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75/78

File No. Plg 15 SEB 57

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department Plg Section Elect.

Subject :— Formation of State Boards from 1-10-19[illegible]

Earlier References :—

Late References :— [illegible]

(Classification A/B/C)

Notes Pages.....12.....

Correspondence Pages...284...

For/Not for section Note Book

To be destroyed after.....

14/6/57
14/5/58
E

N. Parthasarathi
20.5.75

for Under Secretary to Government.

[illegible]

Serial No.

The note on the formation of the Electricity Board was discussed to-day in Council and it was felt that the following points should be examined carefully:

(i) The question of transfer of staff. The procedure to be followed in respect of the transfer of staff of the Electricity Department to the control of the Board has to be examined. The reply of the Government of India to the letter we have already addressed to them in this matter should also be taken into consideration.

(ii) Construction of projects: Under Section 60(1) of the Electricity (Supply) Act, it appears as if the construction of projects should be transferred to the control of the Board. Whether the Government can pass an order transferring only the Electricity (Supply) undertakings belonging to the Government which are in operation already to the Board and retaining the construction of Hydro-Electric projects under the control of the Government is a matter to be examined. On this will also depend whether we should have a separate staff of Electrical Engineers to attend to the work of construction.

(iii) The question of declaring the expenditure incurred by the Government on Capital Account in connection with the purpose of Electricity Supply.

MYSORE GOVERNMENT SECRETARIAT 2888 10 JUN 1957 ELECTRICAL BRANCH

DEPUTY SECRETARY TO GOVERNMENT OF MYSORE

Note.—Contn. Sheet

Serial No.

2) These questions will have to be studied carefully in consultation with Law and conclusions arrived at. The Council have directed that a small committee consisting of the Chief Secretary, Secretary, P.W.D., Secretary, Finance and Secretary, Law should examine these questions.

2858
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PWDISSEF
9-1/57
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3) In the meanwhile, attention is invited to the fact that the Government of India have given exemption only upto the end of June in this regard that is to say, we have to form the Board by 1st July. ~~xxthexexemptionxx~~ As the examination of the problems cited above, may in all probability take sometime, it may not be possible to bring into existence the Board by 1st July 1957. We will have therefore to address the Government of India to extend the time for the formation of the Board till the 1st September 1957. If approved this will be done.

B. S. Srikantiah
10/6/57

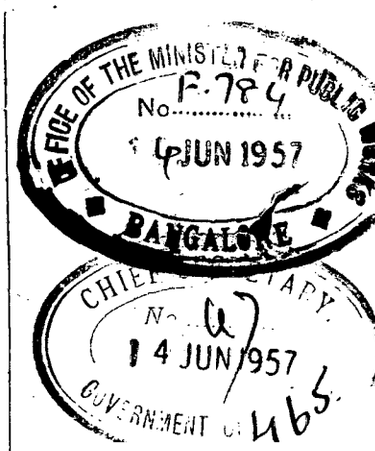
(B.S.Srikantiah)
Deputy Secretary to Govt.,
P.W. & Electricity Dept.

M (Elec)

4) Placed below is a draft letter addressed to the Government of India. This may kindly be seen by the Chief Secretary. The Council Resolution on the ~~question~~ formation of the Electricity Board has authorised us to address the Government of India wherever necessary.

B. S. Srikantiah
14/6/57

(B.S.Srikantiah)
Dy.Secretary to Government,
P.W. & Electricity Dept.



CHIEF SECRETARY)

14/6

5) Issue immediately
Boo
15/6/57

WD 0136—GPB—800 pads of 100 shts. each—1-6-57

Serial No. 7)

I had a trunk call from Delhi. Sri Vasant of the Ministry of Irrigation and Power spoke to me. The subject was the extension of time that we had asked for the constitution of the Electricity Board. Sri Vasan requested to be furnished with the extracts of ~~the~~ our Law Department's opinion regarding the question of ~~transfer of staff~~ of the Electricity Department to the control of the Board and keeping the control over the execution of Hydro-Electric projects with the Government itself. He informed me that these were questions which have arisen before all State Governments. He informed me that as regards the staff, the question was not solved by ~~the~~ Madhya Pradesh Govefnment until after two years after the constitution of the Board. I gather from his talk that this question of control over staff etc., need not come in the way of forming the Board and that those questions might be tackled in due course. As regards the Hydro-Electric Projects under execution, he told me that a similar problem had arisen in regard to Panjab Government. They were keeping the Bhakra-Nangal Project out of the purview of the Electricity Board. He suggested that the recent amendment to Section 60 of Act may give us the requisite cover to keep such projects separate and indeperdant of the Board.

8) He wanted however to have the extracts of ~~the~~ our Law Department's opinion before giving a reply to our letter in the matter.

9) I also gather the impression from his talk that the Government of India may grant us the extension of time upto 1st September 1957 which we had asked. I think a D.O. letter from the Secretary to Mr. ~~Bell~~ Basil, Joint Secretary, Ministry of Irrigation and Power,

Serial No.

may be useful in this connection.

16) A telegram has also been received in this connection, which is kept below.

B. S. Srikantiah
(B.S.Srikantiah)
Deputy Secretary to Government,
P.W. & Electricity Dept.

19/6/57

1813/57
Law-III

Secy (Elec)

11) Issue letter as dictated & put up

P.C. Pl. keep up

20/6

19/6

9. Issued letter No PC 14 S & 21.6.57 to Sri. R.R. Bahl, Joint Secy to G.O.I Ministry of Irrigation & Power, requesting early decision of G.O.I re: extension of time for the formation of the Board & other matters.

SECRETARY TO GOVERNMENT
Dy. No. 1471
Date 24/6/57
PUBLIC WORKS & ELEC. DEPTT.

12) 24/6

Boo
21/6/57

Doraswamy

P.S. speak

Boo
21/6

57

13) A draft letter to the G.O.I. Ministry of Irrigation & Power as put up as personally instructed by the Asst. Secretary.

24/6

14) for approval

Dy Secy (Elec)

Dy Secy (Law) 24/6.

MYSORE GOVT. SECRETARIAT
No.
25 JUN 1957
Sr. MAR
LAW BR. III

15) For perusal before issue

B.S. Srikantiah
24/6/57

F.No. 1593 / Corr
Sec. III
25-6-57
M

Secy (Elec) 17)

16) Dy Secy (Elec)
Law Secy

D. K. SRINIVASACHAR 25.6.57

WD 03786-GPB-P. Z. S.-50000—1-3-56

State Tee Mary

Mysore Government Secretariat

File No. PWD 15 SEB 57 of 195

[App. F. III 2

Serial No.

2858
Elec.
3602.
3716.

18) Letter my issue. I have also spoken to W Cl and he is agreeable to our sending us back of his note also.

Rs 28/6

BM 28/6

By 29/6

Question No PWD 15 SEB 57

By 29-6-57

Notification No :- dated the 29th June 1957 from the Govt. of India, Ministry of Irrigation & Power.

Extends the time for the formation of the Electricity Board till the end of 30th September 1957.

19) A reply from the G.O. is still due to the other questions referred to them in our letter of 15/6/57.

C.F.R.

20) (Depsec Phadke)

By 13/7

1/7

13/7

Letter No: EL. II - 135 Mysore dated the 8th July 1957 from the Govt. of India, Ministry of Irrigation & Power.

Note.—Contn. Sheet

State that in view of the opinion given the question of any further amendment to the Indian Electricity Act does not arise.

21) A copy of Section 78A is put up and it is in accordance with this section that the State Govt. can issue directions to the Board.

22) A reply is still due from the G.O.I. to the other point as regards the control over the construction works of a major hydro-electric projects.

for perusal

16/7 De/Sec) PWD(E) 22/7

Venkataraman
Pl bring up
P.M.
22/7

23) Secretary may please see the letter from the Government of India (Page 15 C.F.). Attention is also invited to the other file in this matter kept below. (File No.PWD15SEB57). The Law Department had expressed the view that the proposal to transfer the Government servants to the Board cannot be legally sustained in the absence of an appropriate provision of ~~xk~~ law. The Government of India have in their letter under consideration expressed the view that in exercise of the powers vested in the State Government under Section 78 A of the Electricity (Supply) Act, the State Government can give directions to the Electricity Board to ensure that the services of the employees working in the Government Electricity Department are taken over by the Board on terms and

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P. 16

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conditions not less favourable to them than are applicable under the department. Such directions can also stipulate that the terms and conditions of service of the employees of the Electricity Department are not changed by the Board to their disadvantage in future and that whenever it is sought to introduce new service regulations the usual practice of giving option to the employees to continue to be governed under the old rules is given. The Government of India have therefore expressed the view that since the existing provisions of the Act are considered adequate enoug to enable a State Government to safeguard the interests of its employees on their transfer to the Electricity Board, the question of any further amendment to the Act does not arise.

24) It may be recalled that actually two issues arose. One was whether the State Government had powers to prescribe that the terms and conditions of service of the Government sergants transferred to the Board are not altered to their disadvantage. This point has been dealt with by the Government of India. The other point was whether the State Government had the power to transfer the services of a Government servant now working in the Electricity Departmer to the State Electricity Board. In the strict sense of the word service under the Board may be classified as foreign service and under the service regulations a Government servants cannot be transferred to foreign service without his consent. The Law Department at that time advised that a suitable amendment to the Electricity (Supply) Act could meet both these difficulties. But now the Government of India have expressed the view that no further amendments to the Electricity (Supply) Act are necessary.

25) We may therefore include in our G.O. constituting the Board, provision to transfer the services of the employees of the Electricity Department to the Board and issue a separate directive under Section 78A of the Electrici

Note.—Contn. Sheet

File No. 2182/57 (OPW) 1893 Law-III of 195 PWD 15- SER 57

Mysore Government Secretariat

(Supply) Act to the Board ensuring that the conditions of services of such transferred employees are safeguarded. In my view we need not wait for the reply of the Government of India regarding the other pointsxx we referred to them namely the question of retaining the control over the Hydro-Electric Projects under execution. The file may be shown to Law Department.

B.S. Srikantiah 23/7/57

(B.S. Srikantiah)
Deputy Secretary to Government,
P.W. & Electricity Dept.

Serial No. 3716 Elc ES.147

SECRETARY TO GOVERNMENT Dated 23/7/57 PUBLIC WORKS & ELEC. DEPTS.

Secy (Elec)

26) Secy (Law) pls see

D.K. 23/7
D.K. SRINIVASACHAR
Secy, P. W. & Elec. Depts.

Pl see F No 1593 also.
F No 1893/Law Sec III
24-7-57

27) The Government of India may again be addressed as regards our proposal in respect of the transfer of Government servants to the Board and the Government of India requested for their views on that specifically.

MYSORE GOVT. SECRETARIAT No. 25th July 1957 LAW BRANCH III

ASV Law

Sadasivayya 27.7.57

(M. SADASIVAYYA)
Secretary to Government
Law Department

Secy. P.W. & Elec. Depts.

SECRETARY TO GOVERNMENT 2268 26 JUL 1957 LAW DEPARTMENT

28) Put up draft letter

BSS 29/7/57 29/7

29) A draft letter to be submitted for approval

Dy Sec (Elec) 29/7

This VD 29/7

30/7 Typed 31/7

A-S

Pls speak to me

WD-05450-GPB—P. Z. S.—90,000—21-9-56.

3716 Elec
ES. 147

Serial No.

31) Letter to GofI at P. 17 (flagged "F") since issued from Chief Secy's office.

DK 5/8

Secy P.W.D

Dy Secy 6/8

32) Secy may pls see. I think we should send a copy of the letter to the Ministry of Irrigation and Power

BSM 6/8/57

Dy Secy (Elec) 6/8

Secy (Elec)

32) Send copy to Ministry

BSM 13/8/57

13/8 Dy 13/8

33) Draft typed of a letter to the Govt of India, Ministry of Irrigation & Power are (enclosed) for approval

34) for approval

13/8 Dy Sec PWD) Dy 13/8

Secy PWD

35) BSM 16/8/57

17/8 Dy 17/8

36) For favour of signature of fair copies placed below.

37) Sec (Elec) Dy 19/8

38) Dy 19/8 BSM 19/8/57

Note.—Contn. Sheet

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Issued in PWD 15 SEB 57
dt. 19-8-57

3716
Elec

The Secy to the Govt of India
Ministry of Irrigation & Power
New Delhi.

39) The Govt of India have not yet clarified the second point of having all the major hydro-electric projects as Sharavathi, Bhadra, etc. under the Control of Govt / Borders whether the C.D.O. may be reminded now.

CFP 5.

40) Draft letter may be put up
21/8

21/8

41) Draft typed of a letter to the C.D.O. Ministry of Irrigation & Power are putup.

23/8

23/8

42) for perusal before issue
Dept Secy
Pr Secy
24/8

43) Fair
27/8
29/8

44) For signature of Joint Secy pl

45) Issued
31/8

29/8

Issued in PWD 15 SEB 57
dt. 2-9-57

The Officer on special duty
Govt of India, Ministry of
Irrigation & Power
New Delhi.

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D.O. letter No. F.39/7/57 dated the 31st August 1957 from the Joint Secretary, Ministry of Home Affairs. Offers his views in the matter.

46) Orders of the Chief Secretary

Secretary PWD for perusal

Sd/- P.V.R. 2/9

47) xxx. Put up with the connected papers.

Sd/- D.K.S. 3/9/57

Sd/- B.S.S. 4/9/57

48) The connected papers are put up.

Sd/- (Dr. See Phoolo) (49) 4/9

4/9

(50) The letter written by the Chief Secretary to the Ministry of Home Affairs is in pages 17 and 18 C.F. The point raised by us was that if the services of the present employees of the Electricity Department, who are treated as Government servants, were to be transferred to the Board, then as some of them had been appointed by Government, the disciplinary control over them would still continue to remain with the Government, having regard to article 311 of the constitution. But this would be not

Note.—Contn. Sheet

consistent with the independant status of the Board. We therefore wanted the advise of the Ministry of Home Affairs. A copy of this letter was also sent to the Ministry of Irrigation and Power. In their reply the Government of India have suggested that we should terminate all the posts in the Electricity Department and the services of the corresponding employees ~~xxxxxxxx~~ should be re-employed by the Board and the Board should create the corresponding posts under it and offer those posts to the people who were working in the same posts under Government. It may be recalled that we had thought of this arrangement in the early stages itself. For instance we had thought we should ~~xxxxxx~~ issue notices to all the employees informing them of the impending formation of Electricity Board and that therefore the posts they held under Government would be abolished and they would be retrenched from the service of Government. It was also felt that this in its turn ~~xx~~ would involve mentioning some retrenchment benefits in the notices. The matter was fully examined and the Chief Secretary noted in para 19 of the file(kept below)-that that would involve not merely huge expenditure but also endanger the future of the Board itself which may not be able to secure many of the staff on advantageous terms. The Government of India in their letter appear not to have considered this aspect of the matter. We did not also make mention of this aspect of the matter in our letter to the Government of India as we felt that the procedure would be one of transferring the services of the employees of the Electricity Department from under Government to the Board.

(51) The procedure suggested by the Government of India will also give rise to some of the following difficulties:

(a) It is at present expected that the Electricity Board will take over on the 1st October 1957. By that time we will have to enumerate the

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posts coming under the maintenance portion of the Electricity Department that is to say not including Construction projects and the department of Electrical Inspection. Then we will have to issue a Government Order to the effect that these posts will be abolished on 1st October 1957 forenoon. Simultaneously, we will have to issue notices to the notices to the employees whom we do not wish to allocate to the construction projects department and the departments of Electrical Inspection. The further difficulty is this. While it is within the powers of the Government to abolish the posts under it, strictly speaking, the Board being an independant body, the Government cannot assure that equal number of posts, similar grade of pay would be created by the Board on 1st October 1957. Even if it is presumed that the Board might be willing to create those posts yet it cannot be said that the Board would be willing to re-employ all the officials who are working now under Government. In order to avoid such a difficult situation arising, I feel that urgently the following steps will have to be taken.

(i) The choice of the members of the Electricity Board should be made immediately sothat We may notify the formation of the Electrici Board and also prescribe that shall come into existence on 15th September 1957 and will take over the control of the installations and units of the Electricity department which are engaging the generation and supply of Electricity as from 1-10-1957.

(ii) In the 15 days that will be available from 15-9-1957 to 1-10-1957, the Government will have to make proposals to the Board

Note.—Contn. Sheet

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requesting them to create the requisite number of posts of corresponding pay scales etc. under the Board and also ~~xtaff~~ offer employement to the officers of all ranks in those posts according to the scales of pay they were drawing under Government. The Board will also have to be persuaded to assure the employees that their terms and conditions of service would not be less favourable than they were under Government and that their past service under Government would also be ~~taken consideration~~ counted for retirement benefits. The Board will also make clear in the offers of employment that the disciplinary control over them will fully vest in the Board itself.

(iii) Simultaneously, from the side of Government, we will have to complete allocation of officers and staff to the department of construction projects and Electrical Inspection and issue notices of retrenchment to the others. We will also have to notify that the appropriate number of posts under the Electricity department would stand abolished from 1-10-1957.

2) Having regard to the fact that we have only three weeks time left for doing all this, I think that it would be necessary to discuss these questions in a conference that may be called urgently. The Chief Secretary, the Finance Secretary, the Secretary to Govt., abour and the Public Works Secretary to Govt. and the Law Secretary may kindly be conferred on the subject.

3) I understand the Secretary, P.W.D. is accompanying the Minister for Public Works to Delhi on the 8th September 1957. During his stay in Delhi, on the subsequent days, he may kindly avail the opportunity to discuss this matter with the Ministry of Irrigation & Power, Government of India.

B.S. Srikantiah 4/9

(B.S.Srikantiah)
Dy. Secretary to Government,
P.W. & Electricity Dept.

Secy (Elec)

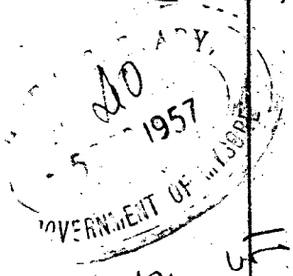
SECRETARY TO GOVERNMENT
Ex-5(2)
Date 4/9/57
PUBLIC WORKS & POWER DEPTT.

WD 0136-GPB—P. Z. S.— 80,000—21-4-57.

Serial No.

E&S-572

(54)



I propose to discuss with Mr. Chief Secy., as suggested at para 5 above, the matter with the representatives of Home Affairs & D of Mines when I shall be at Delhi next week. In the meanwhile, if it is convenient for Mr. Chief Secy., we may have a meeting, some time tomorrow afternoon.

Chief Sec

13/5/57

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

(55)

Sec. Board

Sec

(56)

The meeting is fixed at 4.30 p.m. today in the Chief Secretary's room.

6/5

(57) This was discussed today in the Chief Secretary's Chambers. The Law Secretary was also present. The administrative difficulties in adopting the latest suggestion made in the letter of the Ministry of Home Affairs regarding the termination of services of the employees of the Department and their re-employment under the Board, namely, the cost involved in payment of retrenchment benefits where necessary and the risk of some of the employees not electing to work under the Board were pointed out. The Law Secretary was of the view that in the circumstances it would be best to urge the Government of India to amend the Electricity (Supply) Act as suggested by us earlier.

(58) For perusal before taking up the matter with

the Government of India on this basis.

Law Secretary
(Shri.R.P.Vasudeo)

Serial No.

I had a discussion on this subject with (59) Shri R.R.Bahl, Joint Secretary, Ministry of Irrigation & Power, while I was at Delhi on the 9th. Shri G.D.Kshetrapal, Deputy Secretary, who is handling this question was also present. The administrative difficulties in regard to the issue of notices of termination of service as advised by the Home Ministry were pointed out to the representatives of the Ministry and it was suggested that the proposal of the Law Department of the Government of Mysore, to amend the Electricity Supply Act providing for the transfer of the Government personnel to the control of the Board may be taken up by the Government of India. Shri Bahl agreed that that might be an appropriate solution in the circumstances but felt that it would take a long time. He also pointed out that the administrative difficulties referred to had apparently not arisen in certain other States where Boards had already been formed and that the question of amending the law may be taken up if the problem arose in the course of practical working. In any case, he felt that the constitution of the Board need not be delayed on this account as the Government of India would be most reluctant to consider any further request for extension of the

WD-05450-GPB—P. Z. S.—90,000—21-8-

Serial No.

exemption
continuance of ~~examination~~. Both the representatives of the Ministry stated that in order to find out what the size of the problem might be and also to decide if an amendment of the law would be absolutely necessary, tentative notices may be issued to all the employees of the Department, (i) informing them that the posts under Government would be retrenched, and that their services would be transferred to the Board to be formed with the direction that their conditions of service should not be varied to their disadvantage, and (ii) asking them to indicate within a specified date to signify their consent to being transferred to the service of the Board. He felt that the question of amending the law should be taken up only if a fairly large number of employees of even if some experienced personnel expressed their desire to have their services terminated on payment of compensation. This step would also enable the Mysore Government to assess the financial implications of the problem.

(60) The representatives of the Ministry for Power were unable to offer any alternative solution to the problem in the circumstances except that which is implied in the Home Ministry's letter.

(61) The question therefore is whether the suggestion made by the Ministry of Irrigation & Power about issue of tentative notices may be adopted. Pending a decision on these questions, such staff as will not be retained for employment in connection with the Construction Projects and the Electrical Inspectorate, will have to be placed under the administrative control of the Board as soc

Note.—Contn. Sheet

19/12

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Mysore Government Secretariat

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as it is formed, say, with effect from 1-10-57 or earlier. This will mean that their status as Government Servants will remain unaltered until the transfer is regularised.

2873/57-OPW
Law-III

62) Jr Pwarad and remarks, Ys.

Secy Law Dept
Chief Sec

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

63) Notices may be issued to the employees informing them that their services would be transferred to the Board & the terms with the direction that their conditions of service shall not be varied to their disadvantage and asking them to indicate within a specified date to signify their consent to being transferred to the service of the Board.

64) Meanwhile, I will consider the possibility of State Legislation in the matter.

R. P. VASUDEO
Asst. Secy. Law. Dept.

Pl. see FNo 1893 also.

FNo 2463/Law Sec-III
19-9-57

MYSORE SECRETARIAT No. 20 SEP 1957 LAW BRANCH

2 SV Law

SECRETARY TO GOVERNMENT No. 3072 25 SEP 1957 LAW DEPARTMENT

65) Rel

Ys. Rep

66) Dy S P W

Ans

Venkatesan

Pls bring up Bom 289/57

Serial No.

67) The Law Department have expressed the view that we should issue notices to the employees of the former Electricity Department informing them that their posts in which they served under Government will not exist and that therefore their liens in those posts will be terminated and that they will be offered corresponding posts under the Board with a further assurance that their terms and conditions of service will not be less favourable than they were under Government and the employees will be asked to express their concurrence to such change.

68) Before taking this step, one important point will have to be decided. It may be recalled that we have now three units functioning in the field in which the Electricity Department was functioning prior to 30-9-1957. These are (1) the State Electricity Board (2) the Unit under the Chief Engineer Hydro Electric Construction Projects and (3) the Electrical Inspectorate. All the employees of these three units were Government servants in the Electricity Department formerly. Their status as Government servants is still not disturbed. Before we issue notices to the employees it will be necessary first of all to decide whether we should have one single cadre for all the three units or two cadres one under the State Electricity Board and one under Government. The Hydro Electric Constructions Project unit is, because of the very nature of its work, of a temporary character, the posts under that unit are

Note.—Contn. Sheet

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~~(b) the posts the salary of which~~ are charged to the estimates of the projects and as soon as the construction of the Hydro Electric Projects are over all these posts will be abolished as the maintenance of ~~the~~ Hydro electric stations and generation and supply of power will be under the Board. Thus a permanent cadre will be necessary under the State Electricity Board. In order to ensure that the prospects for promotion of the officers as they were on 30-9-1957 are not materially changed and also in order to ensure that the staff that might be engaged in the ~~construction of Hydro Electric Projects~~ will ultimately be absorbed in ~~the~~ a permanent cadre, it is, in my view, necessary that there should be only one cadre and that ~~xxx~~ under the State Electricity Board. So far as the Electrical Inspectorate ~~Inspector~~ is concerned the number of posts under that is very small. A cadre for such a small number of posts is not desirable. There is however an argument for keeping the cadre of the Electrical Inspectorate independant of the State Electricity Board as the functions of the Electrical Inspectorate are those of inspections and enforcement and therefore in principle the officers of that unit should not form part of the State Electricity Board. But I do not think that it is such a overwhelming argument as to justify the constitution of a separate cadre for 6 to 8 posts.

69) The position will therefore be that we will have to constitute an Electrical Engineering cadre

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under the Board for the posts required in the Hydro Electric Projects and Electrical Inspectorate (in addition to those of the Board). Officers will have to be lent from the State Electricity Board to the Projects and Inspectorate, without any deputation allowance, on contract basis. That will mean that the lien of the Electrical Engineers who were formerly serving under the Electricity Department will have to be in a cadre under the State Electricity Board. If this principle is accepted then we can draft a preliminary notice to issue to every employee calling upon him to agree to have the lien that he has under Government terminated and transferred to a corresponding posts under the State Electricity Board without loss of seniority and the terms and conditions of service being not less favourable to the Officer than it was under Government. For this we require the concurrence of the State Electricity Board also.

B. S. Srikantiah
23.10.57

(B.S.Srikantiah)
Deputy Secretary to Government
P.W. & Electrical Departments.

SECRETARY TO GOVERNMENT
Dept. 23 OCT 57
PUBLIC WORKS & ELEC. DEPTS.

CHIEF SECRETARY.
25 OCT 1957
GOVERNMENT OF MYSORE

Secy. (Elec) '70

The principle of having my one cadre under Board and of borrowing officers from Board for work in Construction Projects and in Electrical Inspectorate may be accepted. The Board will also formally be consulted in the matter.

Min: PW

This Chief Sec

24/10 D. K. SIVASWAMY
Secy. P. W. & Elec. Depts.

Note.—Contn. Sheet

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Mysore Government Secretariat

Serial No.

E.S. 810

71) If the Electrical Inspectorate is to be subordinate to the Electricity Board, there is no meaning in constituting an Electrical Inspectorate at all. In my view, the Electrical Inspectorate should be quite separate and should not form a cadre of the State Electricity Board. As regards the staff of the Hydro-electric Project and the State Electricity Board, I agree with Secy.P.W.D. The consequence, of course, of the notice that is proposed to be given to the employees of the Electricity Deptt is that compensation pension may have ~~to be given to such of the employees who are~~ permanent and who are not prepared to accept posts offered under the Electricity Board.

A

C.S.
(25.10.57)

OFFICE OF THE MINISTER FOR PUBLIC WORKS
No. F. 2425
26 SEP 1957
BANGALORE

MIN(PWD) M

72) I am inclined to agree with 'A' of the S's note.

31/10

73) What is our strength of staff under Electrical Inspector? Pl. put up details.

31/10

1/11/57

1/11

SL VD 1/11

Serial No.

4982 Block.

74) A Copy of the G.O. dated the 14/23rd August 1957 sanctioning the formation of the Electric Inspectorate is put up & the details of the staff sanctioned are on C.P. 27-28

2/11/57 (Dep. Secy. Proceedings) Os 4/11

75) It will be seen from page 27 C.P. that so far as technical officers are concerned, there are only two Executive Engineers and 6 Assistant Engineers in the Electrical Inspectorate. In the non-gazetted cadre, there are 25 technical officers. In my view this is too small a number for a separate cadre. In this connection I invite attention to the remarks of the Chief Secretary in para 71. The view has been expressed that if the Electrical Inspectorate is to be subordinate to the Electricity Board, there is no meaning in constituting an Electrical Inspector at all. I may invite attention to the fact that the Electrical Inspectorate has been constituted as an independant unit working directly under Government. I only suggested in para 63 that, as the number of posts in the Electrical Inspectorate so far as technical officers are concerned is small, the officers for the Electrical Inspectorate may also be drawn from the cadre of the Electricity Board. The controlling authority for the cadre will no doubt be the Board. To that extent, it may be said that as the promotions of the officers drawn from that cadre is to be ordered by the Controlling Authority

Note.—Contn. Sheet

Serial No.

of the cadre namely the Electricity Board, ~~to can~~ ~~be~~ ~~such~~ arrangements will be inconsistent with the concept of the Electrical Inspectorate working as an independant unit under Government. But if proper types of officers are chosen to work as ~~Electrical Inspectors, in my view, there is no~~ reason to fear that they may not exercise, in the discharge of their duties, that interest to implement the law as may be expected of them. For this reason, I submit that for the Electrical Inspectorate also, officers drawn from the Electricity Board cadre itself may be posted.

~~7b) In para 71, the Chief Secretary~~ has raised the question of paying compensation pension to such of the employees who are permanent ~~to~~ and who are not prepared to accept posts offerred under the Electricity Board. I may state here that in the suggestion that a notice may be issued to all the employees about transferring their services to the ~~Board, what was contemplated was that these notices~~ should serve as a sort of feeler notice or sounding notice in order to ascertain how many officers may not be willing to have their services transferred to the Board at all. In case the number is not large, the question of compensation pension may be ~~examined. In case the number is very large then the expenditure involved~~ for compensation pension, will be very heavy. In this connection I invite attention to paras 59 to 64. In para 64, the Law Secretary had stated that he would consider the possibility of a State Legislation in the matter. In case the number of officers who are not prepared to have ~~their services transferred to the Board becomes very large, then the question of having a State~~

WD 0136-GPB—P. Z. S.— 80,000—21-4-57.

284
pros

Legislation to ~~regularise~~ regularise the transfer of ~~the~~ Their services ~~of~~ to the Board will have to be considered. In case the number is small, there may not be any need for legislation for this purpose and we may close the matter by paying even compensation pension as may be justifiable for this small number of officers. For this reason the notice proposed to be issued just now may be taken to be a sort of preliminary notice to ascertain the position.

B. S. Srikantiah
5/11
(B.S.Srikantiah)
Dy.Secretary to Government,
P.W. & Elec. Dept.

SECRETARIAT TO GOVERNMENT
No .....
5 NOV 1957
PUBLIC WORKS & ELEC. DEPTT.

Seey (Elec)

77) I agree in regard to the nature and contents of the notice now proposed to be issued.

78) Even as regards the Electrical Inspectorate, it would be difficult to maintain a separate cadre with such small and man it by whom or even substantially by direct recruitment. It is of course possible to have officers or list on contract either from Electrical Inspectors post or even for one or two subordinate

(para 15 SE...)

But to have a regular scheme of recruitment and promotions for such a small cadre seems to be not quite feasible. As pointed out above, if to we have in practice type of officers at the top, it should not matter much if officers are all drawn from the Board. There will no doubt be separate cadre rules for the Electrical Inspectorate, but they will provide that the posts will be filled either by borrowing officers from the Board or even otherwise on contract. | A.

Min = PW
Imm

Chief Sec

79) 'A' may need the heads of the Case in the Circumstances fixed by Sec. P.W.D. This will leave Govt. free to make suitable appointment

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

SECRETARY, 8 NOV 1957 BANGALORE

THE MINISTER FOR PUBLIC WORKS F. 2576 NOV 1957 BANGALORE

Serial No.

4982 Elect

81) The Law Dept may perhaps be requested to suggest a draft of a notice to be issued to the Govt Lessees.

Dy Sec (Elec) 14/11

82) We should ourselves draft. The section should not shirk work. The draft should be prepared in consultation with PWD- services section and put up early

Bm 15/11 SJ

15/11

MYSORE GOVT. SECRETARIAT NO. 20428 20 NOV 1957 PUBLIC WORKS DEPTT. (ADMINISTRATION BRANCH)

83) A draft notice is put up by the services section at page 6 c/f for approval.

Subd the file may now be marked to Elect Br.

21/11/57 U.S 22.11.57

U/s Elec) 25/11/57

84) Law Dept may perhaps be consulted

Dy Sec (Elec) 25/11

85) Pls retype draft as corrected (3-space) & put up

Bm 25/11 SJ

26/11

86) Re-typed & put up

Dy Sec (Elec) 28/11

Note.—Contn. Sheet

29)

File No. of 195 .

Mysore Government Secretariat

Serial No.

87) Para 67 for perusal from para 67. As decided, we have now to prepare a draft notice that will have to be served on every employee of the former Electricity Dept. I have placed below a draft for such a notice. Secy may Kindly consider it for such modification as he may feel necessary. This will have to be seen by F.D. and Law. After the draft is finalised we will have to write to the Electricity Board requesting them to agree to the arrangements proposed and to the draft notice to be issued. In a covering letter we may explain the relevant points that have been taken into consideration.

88) This may be first seen by F.D. before it goes to Law.

B.S. Srikantiah
28-11-57
Dy Secy (Elec)

Secy (Elec) F.D. 89)

D. K. SRINIVASACHAR
Secy, P. W. & Elec. Depts.

90) Seen & returned. May be referred to Law Dept. Secy (Elec)

SECRETARY TO GOVERNMENT
No Es 996
28 NOV 1957
PUBLIC WORKS & ELEC. DEPTT.

SECRETARY TO GOVT
No Es 996
2 DEC 195
PUBLIC WORKS & ELEC

FINANCE D
12875

WD 03738-GPB—P. Z. S. 50,000— 1-9-56

Mysore Government Secretariat

3726/57-OPW
Law-III File No. 3223/Law of 195 .

[App. F. III 2

Serial No.

ES/1024

Pl. see F.No. 2463
F.No. 3223/Law
See III
4-12-57
x+x

MYSORE GOVT. SECRETARIAT
No ...
4th Dec. 1957
Sri MAR
LAW Branch III

3607/71

6151/Dor
18.12.57

SECRETARY TO GOVERNMENT
No ...
18 DEC 1957
PUBLIC WORKS & ELEC. DEPTT.

91) For to xrutiny
LD)

U. K. [illegible]
Secy. P. W. D.

92) Draft in order.
Sec
rw-SL

R. P. VASUDEO
Addl. Secy. Law. Dept.

93) The draft (typed clean) should be sent to the State Electricity Board for their Concurrence. The covering letter should explain that we contemplate a single Elect Cadre under the Board with arrangements for lending officers to man posts in Hydro-Elec Construction projects and Elect Inspectorate, as in paras 6 & 80. Put up draft Covering letter. Urgent.

Boo
18/12/57

SL
19.12.57

94) A draft letter to the Mysore State Electricity Board is put up.

95) For appl.

96) CS

SL
19.12.57

Note.—Contn. Sheet

Serial No.

97) A revised draft letter to the Secretary, M.S.E.B is put up for consideration as personally instructed by the Deputy Secretary.

98) For appl.

24/12

24/12/57

D/S. (Elec)

99) C.W.

Pls speak. most urgent

Bdr
27 12
57

24/12/57

100) A revised draft letter is put up personally instructed by the Deputy Secretary.

12. 101) Relyte as corrected & put up

Bdr
30 12
57

102) A typed draft is put up.

30/12

103) Issue & put up to Secy for confirmation

Bdr
30 12
57

Issued as dated 31 12 57

Nmg 31/12

WD 01774—GPB—PZS—300,000—26-10-57

Serial No.

104) Issued put up - reference para 103.

31/12

105) For perusal

B. S. Srikantaiah
31.12.57
Dy Secy (PW & Elec)

Secy (Elec)

SECRETARY TO GOVERNMENT
No EE. 11-14
3 JAN 1958
PUBLIC WORKS & ELEC. DEPTT.

F3343

106) Min: PW

7/1/58

D. K. SRINIVASACHAR
Secy, P. W. & Elec. Depts.

7/1

8/1

Min 9/1

SLVD 9/1

Sms A)
3/19/1/58

107) Put up on receipt of resolution of Electricity Boards on subject

21/1

Min 22/1 dh 21

SECRETARIAT TO GOVERNMENT
EE. 1446
21 JAN 1958
PUBLIC WORKS & ELEC. DEPTT.

R.VD 23/1

D.O. letter No P.C 68 dt 23/1/58 from the Chairman Mysore State Electricity Board

Forwards the extracts of Resolution No 186 passed at the Boards' Meeting held on the 17th January 1958

Note.—Contn. Sheet

Transfer of the existing personnel of the Mysore State Electricity Dept.

PSW File No. 15 S E B of 1957. | Mysore Government Secretariat

Order of the Secretary thereon on the letter

108) xxx put up the connected file"

(Sd) D. R. S
24/1/58

Serial No.

99) The extracts of Resolution No 186 passed by the Board & the perusal with reference to para 107. — C7P38

110) From the Resolution, it is seen that the Board is generally agreeable to the proposals considered in this Office letter dt 31/12/57 — C7P32

111) The Chairman, M S E B has now requested to clarify whether the expression terms & conditions of Service under the Board" on page 2 of the draft notice has reference only to the existing Salaries, allowances and other emoluments. In the alternative he suggests that the wording be modified so as to bring out the intention unambiguously

Submitted for perusal & orders

113) If approved the Service Branch may also be consulted in this regard as was done previously (with para 82 of note)

114) Pl. refer to para 107

115) U/s (5) also with note upon above please

D.S.)

CP

MYSORE GOVT. SECRETARIAT
NO. 954
5 FEB 58
PUBLIC WORKS DEPTT. REGISTRATION BRANCH

WD 01774—GPB—PZS—300,000—26-10-57

Transfer of the existing personnel of the Mysore Electy Dept to the Electricity Board.

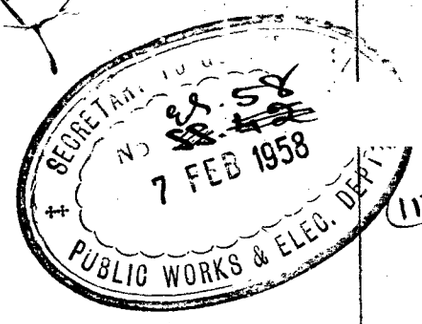
Mysore Government Secretariat

File No. PWD 15 SEB of 1957.

[App. F. III 2

Serial No.

PW 95 H/S.



(117)

116) The terms of the notice proposed to be issued have reference only to the existing salaries, allowances and other emoluments. The presumption of the Board may be confirmed

7/2/58. Ref. Para 108. Secy P.W.D.)

D/S 4/2/58

dy 7/2/58 S.

L. Krishnarao Addl Secy

(118)

Reference is invited to paragraphs 75 to 80 and 87 to 106 in which the question of issuing a Notice to the employees of the former Electricit Department of Mysore State was dealt with and a draft of the Notice was also put up for approval. The Electricity Board, to whose control the entire staff is proposed to be transferred after formally terminating their services under Government, were consulted in the matter and have now passed a resoluti generally agreeing to the proposals in the draft Notice and in the letter addressed to them. The have however drawn attention to the use of the phrase "terms and conditions of service" in the draft Notice and have stated that it is presumed that this and allied expressionshave reference only to the existing salaries, allowances and other emoluments as contemplated in the Governme directive of 30th December '57. It may be state in this connection that the expression "terms an conditions of service" might in certain circums

Serial No.

be capable of a very wide interpretation and might even include future conditions of service of the employees, the terms of recruitment etc. It is obvious that what is sought to be guaranteed is only the existing terms and conditions of service of the employees and that so far as the future is concerned it is entirely left to the Electricity Board to determine the future terms and conditions of service so long as the existing terms and conditions are not altered to the disadvantage of the staff without their consent.

(119)

I have had a discussion on this subject with the Law Secretary and it is agreed that in order to make the intentions of Government clear without at the same time giving rise to difficulties that may arise from varying interpretations, the terms of the draft Notice at pages 35 to 37 may be modified in the manner indicated therein; that is to say:-

i) By the omission of the clause"and that.....except with the consent of the latter"- at page 36;

ii) By the addition of the words "and who, in terms of this Notice, agree to enter the service of the Board" after the words "Electrical Inspectorate" at page 37;

a n d

iii) By the omission of the proviso "subject to the condition that ....." at the end of para 2 on page 37.

WD 01774—GPB—PZS—800.000—26

Serial No.

(120) It is considered that these modificat
will not constitute ~~any~~ in any whittling down the guara
given or expected to be given by Government in th
circumstances and that the Notice may be issued i
modified form to all employees of the former Elec
Department governed by the Civil Service Regulati

For favour of concurrence.

Shri R.P.Vasudeo
(Law Secretary)

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

(121)

CHIEF SECRETARY
No 26
11 FEB 1958
GOVERNMENT OF MYSORE

469/58
12/2/58

dpm
13/2.

(122) Secy PWD

R. P. VASUDEO
Secy. Law. Dept.

(123) for approval
Mr PW

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Dept

OFFICE OF THE MINISTER FOR PUBLIC WORKS
No F 3799
14 FEB 1958
BANGALORE

SECRETARY TO GOVERNMENT
No .....
17 FEB 1958
PUBLIC WORKS & ELEC. DEPTT.

(124) 16/2

(125) A draft letter to the Chie
M.S.E.B. is put up for approva
revise

(126) Put up a typed draft
notice, on the lines of para 11 8.

(127) Typed copies are put up.

(128) Ship 2 more what is

State Electricity Board...

File No. of 195 .

Mysore Gov. Secretariat

Serial No. 3057 √3589.

(129) Modified draft is put up for approval. The same will be forwarded to the Chairman, M.S.E.B., if approved.

Mm 25/2

D-S. Rs. Ref.

130) Yes.

Mm 26/2

131) Issue

Mm 26/2

Issued

27/2/58

Sec A)

3/3

CF-863.

Letter No. G3/44/93 dated the th March 1958 from the Accountant eneral, Mysore.

Requests for certain clarifications the personnel.

D.O. No. P.C. 68 dated the th March 1958 from the hairman, Mysore State Electricity oard.

Suggests certain amendment para 2 as suggested by the ectricity Board.

132) The Accountant General as quoted the G.O. dated the 30th ptember 1957 ordering certain

Serial No.

arrangements consequent on the formation of the Mysore State Electricity Board from 30th September 1959. and requests to be intimated whether the staff working in the Inspectorate and the Construction Projects will belong to the Electricity Board and whether their services have been lent to Govt and if it is the latter the terms and conditions under which their services have been lent.

139) With regard to the above query of the A.G. it may be stated that all the staff now working in the Electrical Inspectorate and the Construction Projects belong to the State Electricity Board and that their services have been lent to Govt. On terms and conditions to be agreed upon between the Govt and the Board. These terms and conditions have not yet been settled. The A.G. also wants to know the

This is not yet finalised but provisionally agreed upon Mr

terms and conditions under which the other staff of the Electricity Dept. were transferred to the Board. These terms and conditions have been clearly enunciated in the draft notice proposed to be issued to the employees. If approved a copy of this notice will be forwarded to the A.G. for his information.

134) The Mysore State Electricity Board have accepted the wording of the final draft notice proposed to be issued by them and suggest the modification of para 2 as noted therein. These modifications have been indicated in the draft note put up (ante)

135) We can give an interim reply to A.G. and he may be informed with regard to the terms & conditions of transfer of personnel after the proposal are finalised.

DPS

136) The A.G. may have to be informed as suggested at Para 133 ante if the final draft notice is approved.

Serial No.

49

Serial No.

1357/58-OPN
Law-III

The final draft notice P. Law
in corporating the slight additions
and alterations in Para 2 of
the letter as proposed by the
Electricity Board is now
for approval.

Secy P. W. D.)

13 Apr
12/4

13) Law Secretary may see before issue.
A few duplicate notices will have to issue—
one to each officer a Social or Journal
Electricity department. It is not practicable
to sign all the notices individually. Law Secretary
may say if it would serve purpose if
a facsimile is used or if signature is
printed.

L 8

15/4

D. K. SRINIVASACHAR
Secy P. W. & Elec. Depts.

SECRETARIAT TO GOVERNMENT
No. Ele. 608
13 APR 1958
PUBLIC WORKS, ELECTRICITY & IRRIGATION DEPTT.

MYSORE GOVT. SECRETARIAT
16 APR 1958
LAW SECTION. 3

320/ACS

Cc No. 3223/Law

1170 /Law

Cc III

16-4-58

CPR
Kuny
16/4/58

Note.—Contn. Sheet

41)

File No. 1170/Law- of 195 .

Mysore Government Secretariat

LAW DEPARTMENT

Serial No. 2148/DS2 30.4.58

1357/58-DPN Law III

138) Some subordinate officer may be authorised by an order to sign the notices. It would not be legal to send notices with printed signatures as such a course might create avoidable complications, if anybody challenges the validity of orders subsequently passed on the basis of the notice.

(T.K. Tukol)
Addl. Law Secretary.
(29-4-1958) 29/4

(init. D.S.) 30/4

SECRETARIAT TO GOVERNMENT
No. 28.756
1 MAY 1958
PUBLIC WORKS & ELEC. DEPTT.

Secretary,)
P.W. Deptt.)

139) Pl place this picture in Secy on his return.

P.A. to Secy) 1/5/58

140) Action may be taken as proposed by Law Secy

1/5 XXX 1/5

2/5

141) Draft letter to be H.C. Mysore as proposed for approval as ordered in para 136.

Again

142) for approval

5/5 Rev 5/5 DS) 6/5

143) Issue.

WD 01774—GPB—PZS—800,000—26-10-57

7/5 8/5

Serial No.

Issued PWD 15 SEB 57 8-5-58.

144) Submitted for orders as to who is to be authorised to sign the notice.

19/5

19/5

145) Paras 137 & onwards may please be perused. orders are required on para 144 NF.

DTS) 10/5.

SECRETARY TO GOVERNMENT No. 2955 23 MAY 1958 PUBLIC WORKS & ELEC. DEPTT.

146) U.S (Electrical) may be authorised to sign the notices.

Secy: PWD) 14/5

147) An order may be drafted accordingly & put up.

DTS 15/5

17/5

148) A draft O.M is put up for approval. 19/5

21/5

149) For approved

DTS / Secy } 150) 21/5

151) DTS 28/5 24/5

xxx

152) Office

SS. 875 [illegible] & ELEC. DEPTT.

4—Contn. Sheet

Serial No.

5509

issued 31-5-58

153) The draft notice as finally vetted by the Law Dept. will now be got printed & supplied to the MSEB for getting the consent of each one of the employees of the Board.

154) Put up the requisition form to Dir^r of P&S.

3/6

MM 3/6.

155) A draft letter to the Director Printing & Stationery is put up for approval.

4/6

156) It is proposed to issue the notices in duplicate, one for record in MSEB's office and another after obtaining the party's acknowledgement & consent, for record in the respective service register. It is ascertained that they are about 8600 employees including gazetted & non-gazetted, in the Board (including those who are in the Construction Project & O.D.) and hence it is proposed to get 18,000/- copies printed.

157) For approval of the draft put up with the draft notice.

DS

MM 4/6

(DM

SECRETARIAT TO GOVT. No. ES (09) 4 JUN 195 PUBLIC WORKS & ELE

DEPUTY SECRETARY TO GOVERNMENT OF No. 10 JUN

WD 01774—GPB—PZS—300,000—26-10-

Mysore Government Secretariat

File No. PWD 15 SEB 57 of 195

[App. F. III 2

Serial No.

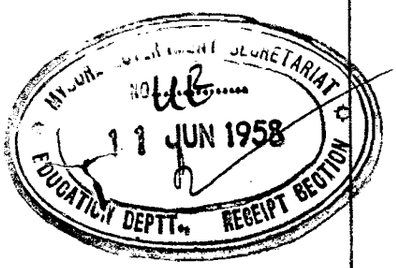
5509/58

xxx

159) for perusal before cion

E.A.)

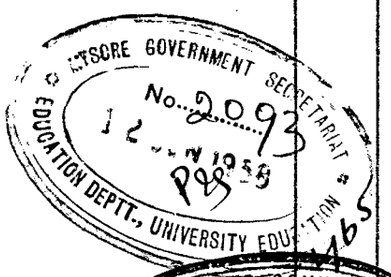
Education Dept
Univ. Section

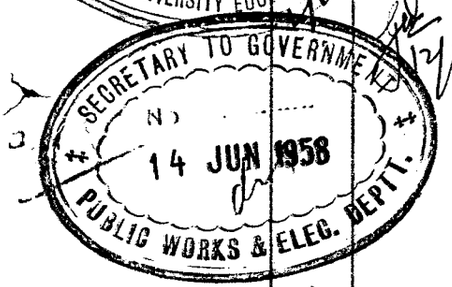


160) This dept. may agree to the proposal of the P.W.D. to get 18,000 copies of the draft notice printed at Govt. Press, and these Gps. returned to the P.W.D. Ref. para 158 supra.

& 12/6/58

P.W.D.) 13/6





161) Some ... 14/6

Typing section
to-day please
16 17/6

162) Quick action may be taken. This may be taken as unwarning Copy sent 12/6.

Issued PWD 15 SEB 58 17-6-58

163) Para 137 and onwards may please be perused. O.M. has also been issued authorising the W/s El. to sign all the notices to be served on all the employees. O.M. may be seen as 'V'. As signing all the 18000 notices singly handed, would involve

Note.—Contn. Sheet

45)

File No. of 195 . | Mysore Government Secretariat

Serial No.

a considerable time, it is proposed to authorise ~~authorise~~ all the u/s of P.W.D. to sign the notices, with a view to minimising the time and quick disposal. A draft revised O.M. is put up for consideration and orders. when ~~D~~ Addl. Law Secy, was consulted, he said that there is no harm in doing so. Draft O.M. is for approval.

~~DLS~~ / Secy } 164) SMC 27/6

27/6

165) Perused

Addl. Law Secy 27/6.

166) Perused & slight modification

TKT

27-6-58

167) Issue 27/6

27/6

Issued PWD 15 SEB 58 30-6-58

168) Draft ~~for~~ for a letter to the Director, Printing & Stationery as per personally instructed by the Under Secretary.

169) GPR 27/6

27/6

Issued 30-6-58

~~Dis~~ Disinterred from file No. 233 HEA 58 which was noted to Govt Depts today

27/6

01774—GPB—~~PZS—800,000—26-10-57~~ (308 Sheets)

10764 & 10811 & 10891 / 10994

Serial No.

cf 65

Letter No. 5000-2 dated the 12th August 1958 from the Asst. Electric Inspector.

States that the notice of 30 days is too short and that atleast ~~90 days~~ 3 months may be necessary.

67-68

Letter No. 97485/51 dated the 13th August 1958 from the Chief Engineer, HCP.

States that the notice of 30 days is too short & that atleast ~~90~~ 3 months may be necessary.

69-70

Letter No. 39304 dated the 11th August 1958 from the Chief Engineer, Electricity, Mysore State Electricity Board.

States that at least three months time may be given.

75

Letter No. 40088 dated the 18th August 1958 from the Chief Engineer, Electricity, forwards a copy of the letter of 12/8/58 received from Sri D. Mal[illegible]

Note.—Contn. Sheet

File No. of 195 .

Mysore Government Secretariat

Serial No.

CFP 77-78.

170) The Govt of E.I. and the Govt HCP have quoted para 268 of M.C.S.R. 1958 and this relates to the giving of notice when the posts under Govt are abolished & when the services of the incumbent of that post is to be consequently abolished

171) The Govt of E.I., Govt HCP & Govt PSEB have recommended that three months time may be granted for exercising the option I may perhaps be consulted

172) Put up an extract of Note (2) to Rule 64 of the Mysore Pension Rules 1957.

M 22/8

173) An extract of the Para is put on CFP 79

174) The references quoted by the several officers of M.S.E.B. in their letters at pages 65 to 76 CF are in case where the services of a Govt servant is terminated ~~with~~ on the abolition of his office. In the present case the posts are not abolished but transferred from the control of Govt to S.E.B. S.E.B. have also agreed that such employees will be offered posts under SEB corresponding in rank and emoluments to the posts they held

WD 01774—GPB—PZS—500,000—68

Serial No.

3506/58-GPOW
Law-III

in electric[illegible] depot, [illegible].

175) However, the extent of period, viz 3 mon
required for, by the employees from the date o
receipt of the notice by them to give their offic
may perhaps be granted.

D(s PWD). 23/8

176) Pl. specify
w/s (1)
2618

177) Discussed.

178) L.D. with reference to the
rules pointed out
3 months' time is necessary
L.D.)

2406/25
12/9/58

Pl. sec F No 1170 a/s
F No 2861
Sec III
1-9-58

Dy S Prof
29.8.58

Law Department

[illegible] Note 1 to Rule 64 of Mysore Pension Rules
3 months notice is not necessary before termination
of service, if alternative appointments are provided
for

But under Note 2 of both the provisions "Unless
it contains an express statement to the contrary an
order for the abolition of an office or appointment
shall not be brought into operation till the expir
of three months after notice has been given to th
Government servant whose services are to be dis-

MYSORE GOVT. SECRETARIAT
No.....
1 SEP 1958
LAW SECTION. 3

2(a) IV

mnk 4/9

2/- 2/-

Note.—Contn. Sheet

(e)

File No. of 195

Mysore Government Secretariat

Serial No.

~~[illegible] passed with reference to [illegible] It is therefore [illegible] to give 3 months [illegible]~~

It is stated that all the officials want extension of time. So, the period given for election might be extended to make up 3 months.

~~[illegible]~~
~~[illegible]~~
~~[illegible]~~
Law Secretary
19.9.1958

~~Personnel~~ (Rule 278 of MSR)

(179) Rule 268 of M.C.S.R. does not appear to apply to cases where an order of an abolition of office is not yet passed.

(180) When an order of abolition of office is passed that order itself might contain an express statement that it shall be brought into operation at once (Vide Note 2). In cases where no alternative appointments are then provided, the Government servants whose services are dispensed with have to be paid gratuity as provided in Rule 268.

RVasudeo

(R.P. Vasudeo)
Law Secretary.
27.9.1958.

W. & Elec. Deptts.)

29/8

(181) Submitted for perusal & orders with reference to para 178

D/c PWD

17/9

FNC 2861
3506/58-6 MV
Law-III

5248/802
29-9-58

DS
29/9

SECRETARIAT TO GOVERNMENT
30 SEP 1958
PWD & ELEC. DEPT.

7/10

8/10

WD 01774—GPB—PZS—500.00

182) Discussed with the D/s., P.W.D. As for opinion expressed by the L.D., vide para 179 & 180. Rule No 268 of M.C.S.R ~~M.S.C.R~~ does not appear to apply in this case, as the order of abolition of office has not yet been issued.

for order whether Secy. M.S.E.B., be informed accordingly.

D/s. PWD

Mm 18/10.

DEPUTY SECRETARY TO GOVERNMENT PUBLIC WORKS DEPTT. No ..... GOVERNMENT OF MYSORE

183) A suitable draft may be put up for approval by Secy.

Mm 18/10

Mm 20/10

Mm 20/10

184) A draft letter to the Secretary, M.S.E.B is put up for approval.

SECRETARY TO GOVERNMENT No..... 3 NOV 1958 ES3637 PUBLIC WORKS & ELEC. DEPTT.

29/10

29/10

185) for approval

Mm 31/10

Secy)

186) W/S Sh. M. Neela

31/10/58

187) Discussed with the Secretary Sh. Was directed that the Chief Engineer may be requested to furnish a Note containing the reasons for the delay in the case of C.P. Page 100 & the steps taken & proposals given

Thy 5/11

Thy 7/11

188) A comparative statement showing the requests made & remarks of the Branch is put up on CP. 110-111.

(189) Submitted again to the Secy for further

advice of the Law Dept may be obtained.

Sd 26/12

1114/59-ORW
Laws III

(190) A statement showing the requests of the employees to have their remarks put up for their perusal & orders.

Sd 5/1

Dy Secy P.W.D. & E.)

(191) I have furnished my remarks in Col. 4 of the statement for perusal.

Secy P.W.D. & El.)

Dy Sec's P.W.D. 6.1.59

(192) L.D. and F.D. may furnish comments on specific points raised in the note & noted by the administrative depts in a tabular statement at pages 110 and 111 C.F.

L.D. F.D. 8/1/59

See P.W.D. note

Dy Secy

A. Sec. F.No. 2861/58
F.No. 107 /Laws
Sec. III
8-1-59

This was marked to U.S. IV who sent back this is not a Service file more effective only to be submitted to U.S. (I)
12/1

MAR 1971

DEPUTY SECRETARY TO GOVERNMENT No 5 JAN

SECRETARIAT TO GOVERNMENT -5 JAN 1959 PUBLIC WORKS & ELECTRICITY DEPTT.

MYSORE GOVT. SECRETARIAT No 8 JAN 1959 LAW SECTION. 3

35'2 DBL 24.1.59

Law Department.

(193) Point No.1 relates to the question of enlarging the period of 30 days for exercising the option by a Government employee to join service under the State Electricity Board indicated in the Notice issued to him and the Law Department is asked to state whether there is any legal necessity for giving a larger period. The period of 30 days fixed in the Notice does not appear to have been fixed under any provision of law. The Government appears to have considered that 30 days period to exercise the option was a reasonable period. The remarks in column 3 is to the effect that the Government has waited already for a period longer than 30 days given in the Notice. The question will be whether or not the 30 days period given is a reasonable period. Having regard to the Notice being issued in June 1958 it may be said that the employees had quite a reasonable time within which they could exercise the option. There does not appear to be any legal obligation on the part of the Government to extend the period further but it is essentially a matter in the discretion of the Government.

(194) Point No.4:- The request contained in this cannot at all be guaranteed nor assured. What the Board has undertaken is to see that the emoluments an official has been getting under the Government will continue to b paid to him even after he joins service under the Board and further his seniority is also assured. There is no obligation on the part of the Board not to recruit any officials by direct recruitment. There is also no obligation on the part of the Board to consult the P.S.C. in the case of appeals regarding loss of seniority and other disciplinary matters. From the correspondence in the file it is clear that the question whether or not the Board will be a competent authority to take disciplinary action against the employees that

are to be transferred to the Board has been considered and it has been opined by the Government of India also that when once the lien of a Government employee is terminated and he is transferred to the service under the Board, he is deemed to be re-employed by the Board and the Board would be the disciplinary authorit It is only the Government that is bound to consult the P.S.C. in matters arising under Article 311 of the Constitution.

Point No.5:- The guarantee required under Point No.5 does not really arise because the employee ceases to be an employee under the Government and becomes the employee of the Board. The Board has guaranteed the appointments and the Government has no place in the matter of guaranteeing it further.

Point No.6:- With regard to this point it may be mentioned that the Board is competent to frame its own rules and regulations governing the service conditions and no limitation can be placed upon such a powe except in so far as the employees that are to be transferred to its service with reference to whom the Board has guaranteed the emoluments, seniority, gratuity, etc. and also have agreed to count the service under the Government for purposes of pension.

Point No.7:- The Board has agreed to guarantee the emoluments which the officials are getting at present. It is not clear what further guarantee is required of the Board under the first part of this point. So far as the latter half is concerned, no such guarantee can be given by the Board nor has the Board agreed to any such condition. When once the officials are transferred to the service of the Board, they must abide by the regulations of the Board subject, of course, to the guarantees given by the Board.

The request at Point No.8 needs no remarks because

FNo 1303/Law (1847)-III

PWD IS SEB 57

no such guarantee can be given.

FNo 107 114/59-OMN Law III

(199) Point No.9:- There is no prohibition for the employees to receive any increased emoluments which the Board may sanction from time to time.

1847/59-OMN Law III

(200) Point No.10:- The Board has not given any such guarantee. It is for the Board to consider this matter, and no assurance can be given by Government nor by the Board at this stage.

FINANCE DEPARTMENT No. 2195 12 MAR 1959 GOVERNMENT OF MYSORE

201) Reference PWD note Supra.

FD.)

P. Subramaniyam 11/3/59
(P.Subramaniyam)
Secy.-Law I
(Secy.)

202) F.D. agrees with the remarks of L.D. As regards absorption of staff who do not opt out, the question of guarantee of seniority etc. may not arise. We can consider this only when we know details of such employees. But generally if Govt. cannot provide them with alternate jobs, retirement benefits as per rules may be given.

(C.Britto)
For Secy., Finance Dept.

Law

Pl. see FNo 107 also FNo 1303/Ci Sec. III 8.4.59

203) P. Subramaniyam 13/4/59 Secy. Law.

LD)

MYSORE GOVT. SECRETARIAT 8 APR 1959 Law Dept. LAW SECTION. 3

13 APR 1959 PUBLIC WORKS & ELEC. DEPT.

204) The draft letter to the Secretary, M.S.E.B. already prepared is placed for orders.

15/4

204) The points raised by the M.S.E.B. is

15.4.59

5

Question of grant of ...

(Pl see ... P 89 ... and 99 c.f.)

... proposed ... the ...

Board ... views of the Opinion ...

of L.D. and ... the draft ...

Put up at P 102-105 C/ ... is ...

for ... perusal ... before issue. Regn

Para 192.

SECRETARY TO GOVERNME
ES. 1235
27 APR 1959
PUBLIC WORKS & ELEC. DEPT

... Secy (Rev) 25)

27/4/59

205) ... Kish ... ...

206) Discussed ...

29/4.

207) In para 179 the Law Department has stated that rule 268 of M.C.S.R. does not appear to apply to cases where an order of an abolition of office is not yet passed. In para 193, the Law Department has stated that having regard to the notice being issued in June 1958 it may be said that the employees had quite a reasonable time within which they could exercise the option and that there does not appear to be any legal obligation on the part of Government to extend the period further but it is essentially a matter in the discretion of the Government. In the present case, it is definite that an order of abolition of office is going to be passed. Such

being the case, the point for consideration is whether the provisions of Rule 268 of M.C.S.R. are attracted and whether a reasonable notice should be given.

208) In this case, although the notices have been issued in June 1958 (and some of them a few days later), 30 days time was allowed in the notices and the employees have not been specifically informed that the period allowed for option has been extended. Though a very much longer period has actually elapsed since the notice has been issued, the point for consideration is whether the employees could say that because no further extension of time was specifically intimated to them, they could not apply their mind and indicate their option. If they could say so, the further point that arises for consideration is whether further extension of time should even now be given and intimated to the employees.

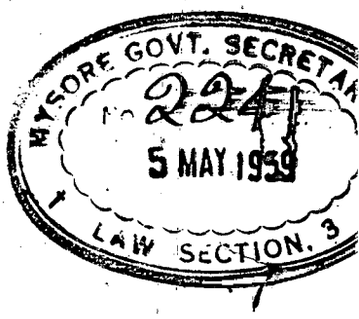
209) Another point for consideration is, the question of allowing gratuity benefits. Under Rule 268 of M.C.S.R. if the notice contemplated in that rule is not given atleast three months before dispensing with the Government Servant's services, and if he has not been provided with some other employment on the date on which his services are dispensed with, then with the sanction of Government, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months shall be paid to him in addition to the pension to which he may be entitled.

210) It is possible in a number of instances where the Government servant has been asked to

57 pm 15 SEB 57

fails to do so or does not opt to serve in Board.

exercise his option; in such cases, although alternative employment is provided under the Board, the Government servant by not accepting that alternative employment might remain without any alternative employment. The question is whether in such cases, Government would be bound to provide him with gratuity benefits.



2(1) Law Department will kindly advise on these points.

(D.S.Raghavendrachar), 30.4.59
Deputy Secretary to Government,
Public Works & Elec.Dept.

Law Department)

2(2) The first question for consideration is: whether a further notice of three months should be given now under Rule 268 of the M.C.S.R.?

P/. Sec File 1503 al
F.N-1581
Sec III
1.5.59
mms 11/5

2(3) Reading rule 268 as a whole, it is clear that a notice of three months ought to be given to every employee whose services are to be dispensed with on the abolition of the post held by him. Obviously the period of 3 months must end on the date on which the services of the employee are to be dispensed with. The rule further provides that in case such notice is not given and no alternative employment is provided to the employee, then with the sanction of Government, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of 3 months, shall have to be paid to him in addition to the pension to which he might be entitled under the relevant rules. In view of this legal position, notice of 30 days issued in June will not be sufficient.

Serial No.

214) The second question mentioned in Para 210 above is not free from difficulty. Rule 259 provides that a Government servant selected for discharge owing to the abolition of a permanent post shall have the option of (1) taking any compensation pension, (2) or accepting any other appointment, (3) or transfer to any other establishment, if he is not appointed to another post carrying conditions of service equal to his own. If the underlined requirements of the rule are to be satisfied, I think the appointment of an employee to an alternative post with equal or identical conditions of service would in all probability mean a post under the Government with identical conditions of pay, pension and other facilities. An employment under the Board may not be an employment of this type as such service would not be service under the Government and is not likely to carry identical conditions and privileges.

215) So in order to solve the problems arising under the circumstances, the first point to be decided by the Administrative Department is to find out whether employment under the Board can be considered, in the case of each employee, an appointment to another post the conditions of which are equal to his own. If that is not so, then it is necessary to ascertain who are the officers and officials that are prepared to accept appointments under the Board or in other establishments under the Government if possible. Having ascertained these facts, then notice of three months ending with the date of termination of employment must be served on every officer or official who is not

Note.—Contn. Sheet

Serial No.

proposed to be appointed to a post carrying equal condition of service or who does not desire to accept any other post or transfer to any other establishment; if such notices are not given, then each of them will have to be paid gratuity equal to his emoluments for a period of three months or for the period for which the notice given falls short of three months in addition to pension admissible under the rules.

216) The Administrative Department may consider whether provisions identical with sections 53 to 56 of the Mysore University Act, 1956 could be made in the case of Government servants to be transferred to the Board.

(T.K. Tukol)
Addl. Law Secretary.
(19-8-1959)

P.W.D.)

217) A note is put up as personally instructed by the Deputy Secretary.

21/8/59

21) D/s my wish please

218) Discussed. The case has been finalised with a few modifications now

SECRETARIAT TO GOVERNMENT
No. ES 245 SP
21 AUG 1959
PUBLIC WORKS & ELEC. DEPTT.

21/8 D/S

21/8/59

Received on 21/8/59

21/8/59

WD 04700—GPB—PZS—8.00.000—1958

Serial No.

220) The Mysore State Electricity Board was formed with effect from the afternoon of the 30th September 1957 ~~for exp~~ with ~~the~~ members for a period of two years.

221) After the formation of the Mysore State Electricit Board the question of the transfer of the personnel of the erstwhile Electrical Department of the Government of Mysore was examined in consultation with the Law Department. and a notice as on C.F.P. 64 was agreed to be issued to every one of the employees and a time of thirty clear days was given to them to exercise their option to serve the Mysore State Electricity Board.

222) Immediately after the notice was served on the individual employees they began to represent both individually and collectively that the time allowed is t short and began to enquire of several matters pertaini to their service conditions under the Board. Even a printed memorandum was submitted by the employees listing out a few points on which they required immedia clarification. A comparative statement showing these demands and the opinions are on C.F.P. 110-111 . Law Department and the Finance Department were consulted on these points and their opinions are in paras 193-201 and 202 respectively.

223) Thereafter the following points were raised and the opinion of the Law Department on each one of them is shown in juxta-position as noted below:-

1. Whether the provisions of Rule 268 of M.C.S.R. are attracted and whether a reasonable notice should given. Whether further extension of time should even now be given and intimated to the employees.	Notice of 30 days issue in June will not be sufficient
2. Whether gratuity should be allowed. Although alternative employment is provided under the Board, the Government servant by not accepting	An employment under t Board may not be an employment of the ty as such service wou be service under th

ote.—Contn. Sheet

that alternative appointment might remain without any alternative employment. Whether in such cases, Govt. would be bound to provide him with gratuity benefits.

Government and is not likely to carry identical conditions and privileges.

Serial No.

224) The Law Department is also of the opinion that the first point to be decided by the Administrative Department is to find out whether employment under the Board can be considered, in the case of each employee, an appointment to another post the conditions of which are equal to his own, that if that is not so, then it is necessary to ascertain who are the officers and officials that are prepared to accept appointments under the Board or in ther establishments under Government if possible, and that after having ascertained these facts, then notice of hree months ending with the date of termination of employment st be served on every officer and official who is not proposed to be appointed to a post carrying equal condition of service or who does not desire to accept any other post or transfer to any other establishment. The Law Department is also of the view that if such notices are not given, then each of them will have to be paid gratuity equal to his emoluments for a period of three months or for the period for which the notice given falls short of three nths in addition to pension admissible under the rules. ey have also suggested that the Administrative Department ay consider whether provisions identical with sections 3 to 56 of the Mysore University Act, 1956 could be made in the case of Government servants to be transferred to the Board.

225) Sections 53 to 56 of the University Act (copy laced below) clearly lays down the absorption of all the mployees in the corresponding grade of service of the versity or of the Government as may be decided upon by a rvice Allocation Committee consisting of the members ted therein. The right of making a representation

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Serial No.

when one feels aggrieved is also provided in Section (2) of the Act.

226) The points for decision are the following:-

(a) Whether a further notice of three months ending with the date of termination of employment must be served on every offic or official who is not proposed to be appointed to a post carrying equal condi tions of service or who does not desire t accept any other post or transfer to any other establishment.

(b) Whether provisions similar to those contained in Sections 53 to 56 of the University Act may not be applied to the employees of the Mysore State Electricit Board.

DY Secy)

DEPUTY SECRETARY TO GOVERNMENT OF MYSORE
No.
15 SEP

B 1579 MEB 15/9/57

227) These papers relate to the transfer of the employees of the erstwhile Electricity Department of the Government.to the Mysore State Electricity Board. The Chairman, Mysore State Electricity Board was informed in Government letter of 31st December 1957, that Government have decided to constitute a single cadre of Electrical service under the State Electricit Board from which the necessary personnel would be drawn to serve under the H.E.C.P. unit and the Government Electrical Inspectorate to the extent necessary. Before the personnel of the Electricity Department were absorbed in this new cadre, it was necessary to issue notices to all the employees invitin them to indicate their option for absorption into the new cadr under the Electricity Board.

(Flag 'I')

C.F.P. 44

228) The notice was accordingly drafted in consultation with the Law and other Departments and with the concurrence of the Electricity Board, notices were sent for on for service to all the employees through the Electricity Board, a copy of the notice as finalised is found at pages 41 and 42 C.F. The employees were given a period of 30 days to exercise their op The employees now working under the H.E.C.P. and the Electric Inspectorate were informed by the notice that they would be

Note.—Contn. Sheet

Serial No.

holding lien
treated as such under the Electricity Board and as if their services had been lent to Government by the Electricity Board on terms and conditions to be agreed upon between the Government and the Board.

229) On service of the notices, some of the employees have made representations to the Board and to the Government setting forth a number of points to be clarified before they would convey their consent or otherwise for the transfer. They have requested for grant of more time to exercise their option and also raised a number of other points for clarification. It was As indicated in the notice that if within the 30 days period given, their willingness or otherwise was not communicated, it would be presumed that the employees were willing to opt out to the ~~new~~ service of the Board. The points raised by the employees will be divided into two sets - classes one set on which replies to be furnished straightaway without consultation with the Law Department and the other in which Law Department's opinion has been taken and considered. The two sets of points are dealt with below:

Points dealt with by the Administrative Department without consultation with Law Department.

-o-o-o-

(1) Individual written concurrence of the employee is necessary before transfer of a Government servant to the Board can be effected:

This has already been proposed to be done by issue of individual notices.

(2) That an assurance may also be given regarding seniority that the Board will not make direct recruitment to appointments above the lowest rank where recruitments are usually made. The Board should consult the P.S.C. in case of appeal against loss of seniority and other disciplinary matters.

230) The notice itself provides an assurance that the Board had agreed that this change over to the new service does not mean any loss of seniority previously had by the Government employees in the Electrical Department. While guaranteeing the service conditions, he Board has agreed to maintain the existing rules ~~of promotion, etc., or higher places~~ as it existed prior to the formation of the Board. is however open to the Board to frame their own rules of service i while such rules are framed they would apply only to new entrants

Flag H.

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Serial No.

and not to the existing personnel. In case they are applicable t the existing personnel, necessarily an option has to be given to them to adopt or not to adopt the rules in their cases. As regards the consultation of the P.S.C., the Board is not bound to consult the P.S.C. and is not consulting it. It would not be possible to accept the representation of the employees that P.S.C. should be consulted in case of appeal against the loss of seniority and other disciplinary matters.

(3) Government should also guarantee continued employment in th same manner as if continued under Government service in addition to the Board's guarantee.

231) This would not be possible and such a guarantee would not b given by Government in respect of a service under the Board.

(4) The Board should extend all the benefits such as pay an allowances and other conditions of service as now enjoyed in the Government service. The Board may also be moved to give the benefits of increased emoluments which may be sanctioned by Govt. from time to time for similar posts in the Public Works Departmen

232) The request itself is unreasonable and no such guarantee could be given.

(5) The Government should also guarantee the payment of pension - Provident Fund in addition to the Board's guaranteeing the same.

233) The Board is a statutory autonomous body and no such guaran tee by Government can be given.

(6) Free medical aid, house building advance, etc., under Government should be continued by the Board.

234) It is a matter for the Board to decide.

<u>The points where the Law Department has also been consulted:</u>

(1) The period of 30 days allowed in the notice is very short. A longer period is necessary with a view to obtain clari fications on several issues arising out of the proposed transfe of service. Such a concession is given under rule 268 of M.C.S. 1958.

235) It may be stated that Rule 268 of the M.C.S.R. provides for a reasonable notice. It is however provided in that rule that a 3 months' notice is necessary where gratuity benefits are to be allowed to the employees to whom alternative employme is not provided. The Law Department was consulted on the is whether the notice of 1 month already given would be adequate

Note.—Contn. Sheet

Serial No.

whether under rule 268, it is obligatory that 3 months notice should be given. It may be mentioned that while the notice was issued to all the employees as in pages 41 and 42 C.F., the Law Department had been consulted and 30 days notice was considered to be sufficient. On the representation made by the employees, Law Department was again consulted and that Department was again of the view that the notices were issued in June 1958 and ~~it may be stated~~ that the employees had quite a reasonable time within which they could exercise the option. The Law Department considered that there was no legal obligation on the part of the Government to extend the period further although it was essentially a matter in the discretion of the Government. A specific issue was raised again and the Law Department was again consulted. Although the notices have been issued in June 1958 (and some of them a few days later), 30 days time was allowed in the notices and the employees have not been specifically informed that the period allowed for option has been extended. Though a very much longer time has actually elapsed since the notice was issued, the point for consideration ~~is~~ was that whether the employees would be in a position to say that as the extension of time has not been actually communicated, they could not apply their mind and indicate their option. If they could say so, the point arose, whether further extension of time could even now be given and intimated to the employees. When this issue was raised and Law Department consulted, that Department has now furnished in clear terms its opinion at para 213 N.F. According to the opinion of the Law Department, as now given, a notice of 3 months is absolutely necessary and a notice of 30 days already given is not sufficient. It would therefore be necessary to issue fresh notices allowing a period of 3 months as required by rule 268 of the M.C.S.R.

Para 193

208

(2) What is the alternative appointment given to employees in case, ~~if~~ they are not opted to the service of the Board.

236) Under the rule 268 of the M.C.S.R. if the notice contemplated n that rule is not given, at least three months before dispensing ith the Government Servant's services, and if he has not been pro-

WD 04559—GPB—PZS—2.00.000—1958

Serial No.

provided some other employment on the date on which his services are dispensed with, then with the sanction of Government, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months shall be paid to him in addition to the pension to which he may be entitle It is possible in a number of instances where the Government servant has been asked to exercise his option fails to do so or does not opt to serve the Board, in such cases, although alternative employment will be provided by the Board , the Government servant might remain without any alternative employment. In such cases, Government would be bound to provide him with gratuity benefits. This point was raised for consultation with the Law Department.

237) After examining the issues, the Law Department has advised as follows:

Rule 259 of the M.C.S.R. provides that a Government servant ~~who is~~ selected for discharge owing to the abolition of a permanent post shall have the option of (1) taking any compensation pension, (2) or accepting any other appointment, (3) or transfer to any other establishment, if he is not appointed to another post carrying conditions of service equal to his own. If the underlined requirements of the rule are to be satisfied, the appointment of an employee to an alternative post ~~under Government with equivalent conditions of service, pay pension and other facilities~~ with equal or identical conditions of service would in all probability mean a post under Government with identical conditions of pay, pension and other facilities. ~~If the~~ An employment under the Board ~~is not equal to the~~ may not be an employment of this type as such service would ~~is~~ not be service under the Government and is not likely to carry identical conditions and privileges. So in order to solve the problems arising under the circumstances, the first point to be decided by the Administrat' Department ~~is~~ is to find out whether the employment of the Boar can be considered, in the case of each employee, an appointment

Note.—Contn. Sheet

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to another post the conditions of which are equal to his own. If that is not so, then it is necessary to ascertain who were the officers and officials that are prepared to accept appointments under the Board or in other establishments under the Government if possible. Having ascertained these facts, then notice of three months ending with the date of termination of employment must be served on every officer or official who is not proposed to be appointed to a post or transfer to any other establishment; if such notices are not given, then each of them will have to be paid gratuity equal to his emoluments for a period of three months or for the period for which the notice given falls short of three months in addition to pension admissible under the rules. With reference to this opinion of the Law Dept. it may be stated that the Electricity Board have adopted the Mysore Civil Service Regulations, which is in force in respect of the employees of the Government. They have also agreed to absorb the employees to corresponding grades with the same emoluments and conditions of service prevailing in the former Electricity Department. As stated already in the previous paragraphs, if any new set of rules governing the service conditions of employees were to be framed, they would apply to new entrants and in the case of existing employees, option should naturally be given to them to adopt the new rules. Therefore in respect of the employees of the former Electricity Department, employment under the Board should mean an employment to another post, the conditions of which are equal to his own. This would answer the Law Department's requirements and provide an answer to the point raised by the employees in their printed representation. If the employees do not opt out to such a service, it means that although an alternative employment as per the rules is provided, the employee himself does not choose to opt out to that alternative appointment, and in case of such refusal to opt out or failure to exercise option within a period of 3 months, the employee will not be entitled to any gratuity benefits under rule 268 of the M.C.S.R.

to a post carrying equal conditions of service or who does not desire to accept any such

WD 04559—GPB—PZS—2.00,000—1958

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238) The Law Department has also incidentally raised another issue. It is suggested that the Administrative Department may consider, whether provisions identical with sections 53 to 56 of the Mysore University Act, 1956 should be treated in the cas of Government servants to be transferred to the Board. It would be mentioned that sections 53 to 56 of the University Act relat to obsorption of employees in the corresponding grade of servic of the University or with the Government as may be decided upon by a Service Allocation Committee consisting of the members referred to in Section 53. If an employee feels aggrieved by the decision of the Service Allocation Committee, he will have the right of making a representation to Government. It may be stated that the Electricity Board is constituted about 2 yea ago and the transfer of personnel has not yet been effected. At this distance of time, it may not be feasible to think of making provisions corresponding to section 53 to 56 of the University Act and constitute a Service Allocation Committee. The employees also having served the Board all these days and no serious problems have arisen except the few issues that have been raised in this case. The Electricity Board has also come to a stage and is framing the necessary rules of service relating to its employees.

Dy. Transport Commr
A/s P.W & E.
16.9.59

Secy P.W & E.)

SECRETARIAT ES 2650 17 SEP 1959 PUBLIC WORKS & ELEC. D.

238) D/s may discuss

239) Put up a draft reply to Dy. letter addressed to Secretary P.W.D. Madras & Kerala

Note.—Contn. Sheet

19

File No. PWD 15 SEB 57. of 195 .

Mysore Government Secretariat

Serial No. * P-116-7/81CF

D.O. Letter No 7051-M/59-2 dated the 19th October 1959 from the Secretary to the Govt. of Madras, PWD.

Reports the procedure followed in Madras. ——

260) The report from the Govt. of Kerala is awaited.

DY (Secy PWD) 261) Pl bring reminder

23/10 MCS 23/10/59

hrs 24/10

hr 26/10

262) A draft DO letter to the Govt. of Kerala is put up for approval

26/10 MCS 27/10/59

263) DS

hr 27/10

264) A reply has since been received. Pl examine the case & put up quickly.

dy 28/10

DEPUTY SECRETARY TO GOVERNMENT DEPTT. No ..... 24 OCT .... GOVERNMENT OF MYSORE

DEPUTY SECRETARY TO GOVERNMENT No ..... OCT GOVERNMENT OF MYSORE

D.O.Letter No.DS.1 - 92/58 dated the 22nd October 1959 from The Chairman, Kerala State Electricity Board, Trivandrum.

CFP: 119-120

WD 01774—GPB—PZS—300,000—26-10-57

Serial No.

States that when the staff of the erstwhile Electricity Department of the Kerala State were transferred to the Kerala State Electricity Board, no such formalities as mentioned in the letter were undergone and that however, the employees were given certain guarantees by the State Govt.

CFP 11b.

245) The Secretary to the Government of Madras has forwarded with his letter dt.19th October 1959 a copy of Govt.'s Order No.MS 538 dated 25th Feb.1958 which explains in detail the mode of transfer of the employees of the former electricity department of the Govt. of Madras to the Madras State Electricity Board. It is seen from the order that the employees were given option to serve under the State Electricity or to do otherwise. In regard to the personnel who have not opted to serve under the Board, proposals have been called for and have been stated to be still awaited from the Chief Engineer (Electricity). Pending the issue of final orders on the proposals of Chief Engineer (Electricity), the Madras State Electricity Board has been requested by the Govt. of to continue in its service members of the staff of the Govt. Electricity Department who have not opted to serve the Board. It is also stated that in individual cases, the Govt. of Madras have issued orders retrenching from service certain permanent employees who have expressed their unwillingness to serve

Note.—Contn. Sheet

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Serial No.

the Madras State Electricity Board and who could not be absorbed in any permanent post in government service from 1st July 1957.

246) In the case of the Kerala State Electricity Board it is seen that a regular order has been issued by the Govt. of Kerala on the ~~15th March~~ 3rd April 1957 (C.F.P 120). It is seen from this order that the Govt. of Kerala have directed that the staff working in the electricity department be transferred to the control of the Kerala State Electricity Board with effect from st April 1957 subject to the safeguards and principles umerated therein. The Govt. of Kerala have guaran-eed as stated above certain safeguards to the employees.

C.F.P 120

) Submitted for perusal and orders with reference para 239.

29/10/59

Ds

DEPUTY SECRETARY P.W.D. DEPTT. No ..... 3-NOV GOVERNMENT OF MYSORE

Reference para 239.

The Secretary P.W.D. Government of Madras, and the Chairman, Electricity Board, Kerala have replied by D.O. letter which is at page 113 C.F.

It is seen from the replies that the Government of Madras has issued notices to the employees giving them option to serve under the State Electricity Board or to do otherwise. The Government of Kerala has not issued such a notice but passed orders straightaway assuring certain guarantees of employment and service

Page 120 C.F.

Serial No.

conditions etc. as enumerated in the Government Order of Kerala Government. It is not clear why the formality of issuing notice required under the Constitution was not gone through by the Kerala Government. As regards Madras Government those who have exercised option in favour of serving under the Board have been notified that on or from 1-7-57 they would cease to be governed by the service conditions applicable to them under rules and orders made by the Government of Madras. In respect of those who have not opted to serve the Board the Government of Madras have not yet passed orders as to how they should be dealt with. It is nowever stated that in few individual cases certain permanent ~~N.O.E.S~~ engineers have been retrenched from service due to their unwillingness to serve the Board and as they would not be absorbed in any permanent post in Government service after 1-7-1957.

251 From the position as made out in the above paragraph in respect of employees in the Madras and Kerala Governments, it appears that in so far as employees in this state are concerned there would be no need to go back on what has been done so far in having issued notices to the employees. Several points raised by them for clarification have been discussed already by me (paragraph 229 to 237). It is now for consideration whether or reply to the State Electricity Board on these lines may be drafted ~~issue~~.

73

File No. of 195

Mysore Government Secretariat

Serial No.

Before doing so the papers may be seen by the Law Department again particularly in view of the fact that Kerala Government have not issued any notice while the position with Madras Government is different and somewhat similar to the ~~procedure~~ Course adopted by us.

5739/59-GPSW Law III

252) Secy (P.W.D & E.) Secy P.W.D 4.11.59

253) Secy (P.W.D & E.) (K. Ramadas) D. K. SRINIVASACHAR Secy. P.W. & Elec. Depts.

SECRETARY TO GOVERNMENT No. 5739/59 - 4 NOV 1959 ES 2997 PUBLIC WORKS & ELEC. DEPTT.

SECRETARY TO GOVERNMENT 2229 5 NOV 1959 LAW DEPARTMENT

Law Department

254) Kind reference is invited to notes in paras 57 to 63. The procedure adopted by the Kerala Government does not appear to be legally correct.

2054) M/s IV 6/11

255) Since action is now proposed to be taken to amend the Electricity (Supply) Act, 1948, to enable a Member of the Legislature to become a Member of the Electricity Board, the Government of India can be requested to amend the Act to enable transfer of the Government servants employed in connection with the electrical undertaking to the Board.

this has not been agreed to so far

256) From the letter dated 5-8-1957 (C.F.P. 17) it appears that all the Government servants employed in connection with the electrical undertaking are not governed by the same rules, namely, M.C.S.R. Consequently the view expressed

MYSORE GOVT. SECRETARIAT No. 10 NOV 1959 LAW SECTION. 3

Serial No.

5439/59-OPW

expressed with reference to Rule 268 of the M.C.S.R. applies only to persons governed by the Pension Rules in M.C.S.R. In the case of others the relevan rule applicable to the particular Government servant will have to be considered. The better course, which will incidentally avoid difficulties and complications, would be to make a separate set of rules under the proviso to Article 309 of the Constitution providing for the abolition of the posts in the Electrical Department and indicating the procedure to be followed, and the benefits to be granted, to the persons who go out of Government service on account of such abolition. The fact tha they reject the alternative employment under the Board with continuation of service conditions can be taken into account in determining the benefit to be given to such persons. These rules will ha to be issued with the approval of the Government India under the proviso to section 115(7) of the States Reorganisation Act, 1956, as the condition may in some cases be more disadvantageous than th conditions of service to which they were entitled before 1-11-1956.

257) If the Act can be got amended, there will be no need to follow the procedure indicated in the preceding paragraph.

R.P. Vasudeo

(R.P. Vasudeo)
Law Secretary.
30-11-1959.

P.W. & Elec. Depts)

SECRETARIAT TO GOVERNMENT
-2 DEC 1959
PUBLIC WORKS & ELEC. DEPTT.

258) Paras 257 & 258 and Para 24 annexes are for perusal.

This matter has been discussed

Note.—Contn. Sheet

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File No. of 195 .

Mysore Government Secretariat

Serial No.

a long time. Although over two years have passed since the Corporation & the Boards, it has not been possible owing to legal difficulties to transfer the staff of the Boards.

259) It is suggested that a meeting be convened in the Minister's Chambers at 4 P.M. on ... with the Chief Secy. & Secy. to Govt. Chief Secy to also requested to preside. A date communicated to the Minister may be indicated

D. K. SRINIVASACHAR
Secy. P. W. & Elec. Depts.

ES 3251
3/12/59

260) Min: PWD
4.1.1960 at 3 P.M.

Hlee
20/12

261) Secy (Irrig)

21/12

262) A brief note may be sent to the Secretary for reference giving the details of the subject and the matter to be placed before the Minister for orders.

24/12

OFFICE OF THE ENGINEER-IN-CHIEF PUBLIC WORKS 6651 DEC 1959 BANGALORE
SECRETARIAT 21 DEC 1959 PUBLIC WORKS GOVERNMENT
SECRETARIAT 24 DEC 1959 PUBLIC WORKS & ELEC. DEPTS.

WD 04700—GPB—PZS—8,00,000—1958

Mysore Government Secretariat

PWD 15 S 213 57

File No. of 195 .

[App. F. III 2

Serial No.

(R)

263) A Note on the Subject is placed below for perusal and approval

264) The Law Secy and Chief Engr will also be informed of the meeting to be held on 4/1/1960. A draft is accordingly prepd. for Consideration

(N)

265) 30/12 DS 30/12

266) The note prepared is not comprehensive and all the points are not brought out. Pl redraft bearing in mind the instructions issued in person to the Asst dis 30/12

267) A Comprehensive Note is putup for perusal (Vide "N")

268) 30/12 30/12

DS 31/12

269) Draft Agenda of notes are putup for approval.

270) 2/1/60

The meeting is postponed to 3 PM on 7.1.60. Letters to Convene Mtng issue dis 4.1.60

2 JAN

Note.—Contn. Sheet

77

File No. of 195 .

Mysore Government Secretariat

Serial No.

271) I have made some alterations and additions to the draft note. Pl put up a fair draft for perusal of Secy PWD before being sent to all concerned.

dy
O/S
4/1/60

272) The note & the statement are typed & put up.

4/1/60

273) A note is placed below for consideration of the Hon'ble Minister. After approval, it will be sent to the Law Secy and Chief Secretary for information, as they are attending the meeting, in order to facilitate discussions.

Secy (Law & F.)

dy
O/S pvd
4.1.60

Ship IV.

SECRETARY TO GOVERNMENT
No. E.S.7
PUBLIC WORKS & ELEC. DEPT.

274) We were not to consider any representations. As it is, it is very rarely used & does not bring any amounts for determination.

6/1/60

275) Pl put up fair draft as directed

dy
6/1/60

WD 04700—GPB—PZS—8,00,000—1958

Serial No.

Fair draft of a note as revised is for perusal before being sent to the Officers attending the meeting.

Secy (W & E) Dy Secy (W & E) 6.1.60

276) 6.1.60

277) Notes should be sent to the Hon'ble Chief Minister. dy 7/1/60

278) The question was discussed today in the Chambers of the Minister for PW & Elecy. The Chief Secretary, the Law Secretary, the Secretary, PWD and the Additional Deputy Secretary, Law were present. After discussion the following decisions were taken:-

(1) In the case of those who have, in response to the Notices already issued, expressed their option clearly and unequivocally in favour taking service under the Board, and in the case of those who have not replied at all within the period of thirty days prescribed in the Notice, action may be taken immediately to issue a Notification (as in Madras State) that they have ceased to be Government Servants on and from the appropriate date. Further action should also be taken in those cases to abolish the posts after the expiry of three

Note.—Contn. Sheet

Serial No.

months prescribed under the M.C.S.Rs. in cases where these rules are applicable, and other relevant rules in other cases. Simultaneously, the Board will have to notify ~~to~~ these people of having been appointed to the service of the Board in the appropriate cadres and posts;

(2) In regard to others who have responded to the Notice, but have asked for a number of clarifications, ~~but~~ in any case ~~have~~ not expressed their option unequivocally, a fresh Notice prescribing a period of thirty days will be issued ~~repeating more or less the statements~~ made earlier and incorporating the following points in addition:-

a) That the exercise of option should be indicated clearly and unequivocally in a form (to be prescribed by us);

b) That any request for further clarifications etc. will be ignored;

a n d

c) That in cases in which option is not ~~going to be prescribed~~ being exercised within the prescribed time in favour of taking service under the Board, Government will take action to abolish the posts and retrench the personnel concerned under rules.

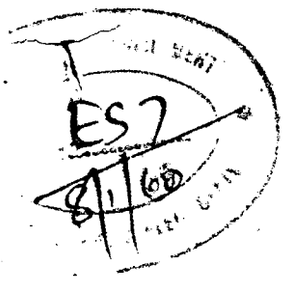
279) The Notice should ~~also~~ furnish generally answers to the points raised in the requests for clarification already made, and ~~should also draw~~ the attention of all those concerned to the policy

PWD 15 SEB 57

direction already issued in regard to the safeguarding of the terms and conditions of service of these employees under the Board.

280) Action may be pursued accordingly, and draft Notification and Notices may be prepared for being shown to the Law Department before issue.

9.1.60.
x x x
dy
9.1.60

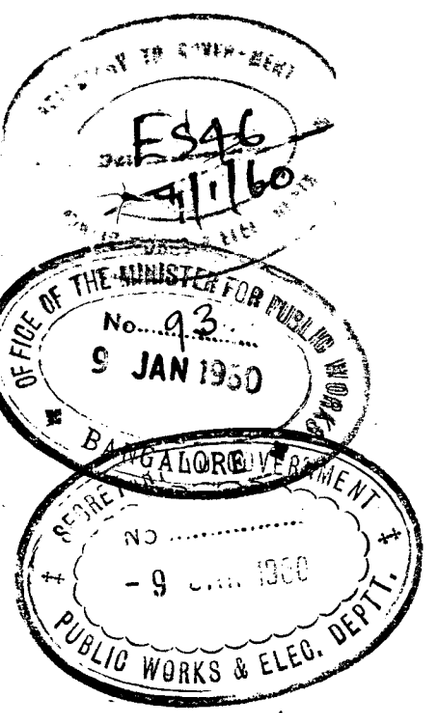


281) For perusal

Mem: PW&E)

9. 1. 60.

D. K. SRINIVASACHAR,
Secretary to Govt. P. W. D. & Electricity

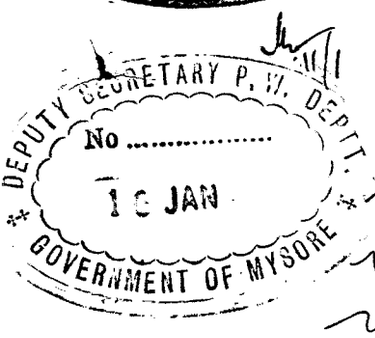


282) Mem
9/1

H. M. CHANNABASAPPA;
Minister for P. W. & Electricity.

283) DS PW 9/1/60

dy
9/1



284) The Secretary, M.S.E.B. has been requested to forward list of employees who have exercised option of those who have not opted to serve the Board. and these lists are still awaited.

285) When the draft notification Notices could now be drafted

9/1 286 DS 287) 16/1

PWD 15 SEB 57

288) Two drafts are put up for consideration.

19/1

289) Ds 19/1/60

290) we have also to ascertain from the Ex Bd. the names of persons who have not replied the notice at all within 30 days.

DEPUTY SECRETARY
19 JAN
GOVERNMENT OF

291) The draft of the notice as put up by the Secretariat needs some points to be decided before it is issued. Re speak. Even the draft notice requires modification

23/1/60

292) A draft letter to the Secretary M.S.E.B is put up as per para 290

20/1

293) Issue

22/1

Issued

Dated 22/2

Serial No.

Law Department

294) There seems to be no need to issue a G.O. as proposed.

295) First a list of persons who have exercised the option or have not replied at all, along with the posts held by them has to be prepared. The notification declaring that they have ceased to be in - Government service may then be issued.

296) ~~The~~ ~~F~~resh notices may be issued to those who have sought clarifications, as also to those to whom no notice has been issued so far. In this notice it may not be necessary to indicate the action taken in respect of those who have exercised the option. This notice may be in the same form as the previous notice along with the points noted in para 278(2) by the P.W. Secretary.

1148/25
5/5/60.

N. Vasudeo

(R.P. Vasudeo)
Law Secretary.
4-5-1960.

P.W.D.)

SECRETARIAT TO GOVERNMENT
5 MAY 1960
PUBLIC WORKS & ELECT. DEPTT.
ES840

297) Re. para 295 the Secretary, MS will be addressed. A draft letter is up for approval.

298) Re. issue of fresh notices suggested by L.D. in para 296, the second draft putup by the L.D. may perhaps issue.

299) For perusal before issue

Secy PWD) 11/5/60.

SECRETARIAT TO GOVERNMENT
11 MAY 1960
PUBLIC WORKS & ELECT. DEPTT.

300) Pl see p 279: The draft notice should include clarifications for the important queries raised. It should be more elaborate.

B Babbar

11/5 (Sec)

Note.—Contn. Sheet

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File No. PWD 15 SEB.57 of 195 .

Mysore Government Secretariat

Serial No.

301) ~~Reasons are to be recorded~~. The file may perhaps be referred to Law Deptt: with ref: to para 300 ante. It is for orders whether the Draft letter to M.S.E.B. ~~is~~ placed below may issue before referring the file to Law Dept.

302) Issue

23/5/60.

23/5

23/5

Issued

Dated 23/5/60

303) The file may be referred to Law Department with reference to para 300 ante.

24/5.

24/5

304) Draft II as drafted by L.D may issue. Pl get info. reg persons mentioned in p 295

BB 20/5

U/S (file)

20/5

305) It is ascertained from the Law Dept: (u/s. Law 4) that the issue of notices can only be finalised after the receipt of information from the M.S.E.B. submitted with ref: to para 304 supra

306) The issue of notices may be kept pending till the information asked for in this Deptt. letter at p. 145 is received from the MSE.B. This is the opinion of U.S. Law.

27/5.

27/5

27/5

DEPUTY SECRETARY P. WORKS DEPTT. No 802 1-7-60. GOVERNMENT OF MYSORE

WD 04700—GPB—PZS—8,00.000—1958

DS)

31/6/60

Serial No.

307) A Do letter under my signature can go to Secy MSEB reg. our letter at p 145 C/F.

308) Draft letter may be put up in a or th

BS 9/6

11/6

309) A draft D.O. letter put up ~~before~~ is for approval. Ref: para 308 supra.

R 13/6. JS) 14/6/60

M 13/6

Sub-A.

R 21/6.

310) Fair copies pl. Urgent.

BS 17/6.

17/6

311) **Issued**

Dated....18/6/60.

312) This was one of the subjects penuing more 3 months with the Mysore State Electricity Board for discussion in the meeting held on the 4th August 1960 with the Chief Engineer (Electricity). It was decided that the matter may be examined again in a meeting of:

The Secretary to Government P.W.D.
The CE.C (Elec) MSEB
The Deputy Secretary to Govrnment, Services and Electricity.
The Electrical Inspector to Government (Shri Srinivasa Murthy)

Note.—Contn. Sheet

85

File No. PWD 15 SEB. 57. of 195 .

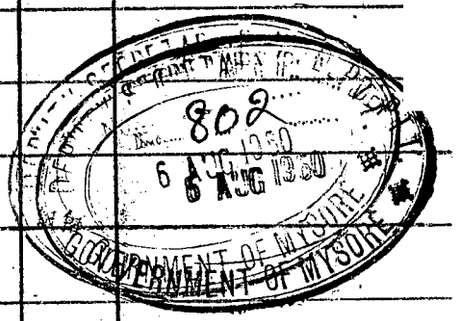
Mysore Government Secretariat

Serial No.

and Two Junior Officers of the Electricity Board be called on the 29th August August 1960 at 3 P.M. for gazetted officers and on the 30th August 1960 for non-gazetted. The Deputy Secretary was requested to prepare a note for discussion in the meeting.

For perusal.

Deputy Secretary) 5/8/60



313) Issue notices to :-
CE (MSEB), CE (HECP),
Electical Inspector, SE (MSEB).
The CE (MSEB) may be asked to instruct 2 officers to appear before the Committee at 3PM on 29th. Issue at once & put up file.

BS
16/8

U/S(E)

314) A draft letter is put up for approval.

17/8.

315) Issue

17/8/60

Issued

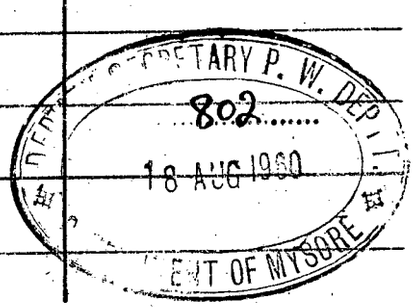
Dated 17/8/60.

316) Submitted with reference to para 313 supra.

18/8.

317) Ds

18/8/60



WD 04700—GPB—PZS—8,00,000—1958

Mysore Government Secretariat

PWD 15 SEB 57

File No. of 195 .

[App. F. III 2

Serial No.

318) A draft of a letter is put up re. f... instructions.

Rr 25/8.
25/8

319) Issue

26/8/60

Issued

Dated 27/8/60

320) A draft letter to the other State Govt.... is put up for approval.

Rr 30/8.
30/8

321) For approval

DS)

31/8/60

322) The draft is neither flagged nor numbered. Issue at once. Routine drafts like this should not come to me. Reminders as from me to go after 10 days.

BB 3/9

323) Issue

BB 9/9

Issued

Dated 10/9/60

324) Draft reminder put up is for approval.

Ref: para 322 supra.

Rr 19/9/60

325) DS)

326) Issue as from me

BB

Rr 12/10.

p170

Note.—Contn. Sheet

87

File No. PWD 15 SEB. 57. of 195

Mysore Government Secretariat

Serial No. 9817 (Elec)

P.176 C.F.

Letter No. 5551-E. dt- 10-10-60 from the Asstt: Secy: I. P.W.D, ~~Darbhanga~~ Govt: of Bengal, Calcutta states that the question has been referred to the Development Deptt: furnishing the information.

327) Submitted for perusal.

Rs 17/X. 27/10

328) Remarks may be called for from other States.

Rs 28/10

329) Draft and fair of a reminder is put up for approval.

Rs 25/X. 25/10

330) Issue

26/10

Issued

Dated 26-10-60

WD 04700—GPB—PZS—8,00,000—1958

Serial No.

P.178 C.F.

Letter No. ESB 2060/6875-E(1) dt/- 4-11-60 from the A.S. to the Govt. of Maharashtra Bombay forwards copies of orders regarding transfer of staff of the Elec: Grid Deptt: to the Bombay Elec: Board.

10475 T (Elect)

331 The file on the subject bearing No PWD 15 SEB 57 has been referred to Services Section. Return of the same will be awaited.

332) When it was Rent and in what connection.

9/11/60.

9/11

16/11

333) The file was referred to Services section in D.No. 10267/Elect. on 8-11-60 ~~in connection~~ along with their file No. PWD 189 SAG 60. This may be referred to Services section to return the file of this Branch

19/XI. 334) Services Section) 24/11

19/11

P.185 C.F.

Letter No. PDEL. 60/58/Pt dt/-9-11-60 from the u/secy: to Govt. of Assam, Power, Mines and Minerals Deptt: requests for a copy of letter dt/- 10-9-60 P.186 C.F.

10708/Elect.

Letter No. 5938-E. dt/- 3-11-60 from the Asst: secy: I. P.W.D states that the letter of this Deptt: has been sent to Dev: Deptt:

10597/Elect.

MYSORE GOVT. SECRETARIAT * PUBLIC WORKS DEPTT. (ADMINISTRATION BRANCH) NO. 14426/S 25 NOV 1960

Put up E file no PWD 189 SAG 60 30/11

R.K

Note.—Contn. Sheet

87

File No. PWD 15 SEB. 57 of 196 .

Mysore Government Secreta

Serial No.

11101 (elect)

P187 CF

Letter No. 9734-Irr-EL-60/35749 d/- 24-11-60 from the Dy: Secy: to Govt. of Panjab.

335) Submitted for perusal.

P.A. keep this file & bring up on 5/12

30/XI.

30/11

BS 1/12

336) The question of the de jure transfer of the officials of the former Electricity Departments of Mysore, South Kanara, Coorg and Hyderabad States has been pending for the past 3 years. In addition, there is also the question of the transfer of the officials of the former Bombay State Electricity Board which has to be dealt with separately.

337) The whole problem bristles with various legal and administrative difficulties, and from the letters we have now received from other State Governments, it can be seen that those Governments were also finding the problem equally difficult to solve. Some State Governments have issued tentative orders but excepting Bombay Government no other Government appears to have finally settled the whole issue.

338) The whole question started with the Government of India's letter (page 24 CF) where the Home Ministry suggested that the services of the officials of the former Electricity Department should be terminated, and that they should be re-employed by the Mysore State Electriciti Board. After considerable discussion, a decision was taken to issue

WD 07273—GPB—PZS—8,00,000—1960

Serial No.

individual notices to all the 8000 and odd employees of the former Mysore Electricity Department asking them whether they were agreeable to serve the M.S.F.B. They were given one month's notice to exercise their "option". This notice actually meant no option at all because the official was given an offer either to work under the Electricity Board or to suffer retrenchment from Government service. The latter alternative was however not mentioned in the notice and almost every official has asked Government to clarify as to what would happen to him if he did not accept employment under the Board. (x)

(x) In contrast, Bombay Govt have given a clear option of continuing under the Govt or serving the Board.
BS.

339

A large number of representations were received from officials and senior officers and these have been categorised at pages 128 and 129 C.F. The questions raised by the officials indicate that the legal complications are far from solved as yet. The latest position is that a decision has been taken (para 277 N.F.) that those officials who have asked for clarifications, or who have not expressed their "option" unequivocally will be issued with notices more or less on the earlier lines but with an additional warning that in case they did not exercise their option unequivocally, Government would take action to abolish the posts and retrench the persons concerned under the rules.. Such a step, apart from being arbitrary and unfair, may involve Government in the payment o huge amounts as compensation pension. This is the position as it exists at present.

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340) In the meanwhile, we had asked a number of other State Governments to intimate to us how they had tackled similar problems in their States. Replies have come from the Governments of Madras, Kerala, Bombay, Madhya Pradesh and Punjab. None of these States, excepting Bombay, appear to have taken a final decision in the matter. Broadly speaking, two courses of action have been followed by the Governments. Bombay and Punjab and also Bengal (according to unofficial information) (page 183 and 187 C.F. respectively) have treated the officers as Government servants on deputation with the State Electricity Boards. On the other hand, the Governments of Madhya Pradesh and Madras have intimated that the services of the officials have been transferred to the State Electricity Board without any "break in service" and with the continuity of seniority, past service, leave, pension, etc. Neither Madras nor Madhya Pradesh have intimated the procedure by which such transfer has been effected. The Kerala Government have gone to an extreme, and issued an order terminating the services of officials and transfering them to the Board. The Law Department have already intimated that this ~~subject~~ action cannot be supported legally, and from informal reports, it is learnt that the officials of Kerala have filed a series of writ petitions challenging this decision of Government.

341) All State Governments mentioned above, including the Mysore Government, have one object in view, namely that officials who served the former Electricity Department should be given a fair treatment

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and that their conditions of service should not be adversely affected by their transfer to the Boards. The difficulties in such a transfer are two fold. Firstly, the transfer of staff from Government service to the Board would have to conform to Rules 259 and 268 of the M.C.S.R., so that Government would not be forced to pay gratuity under Rule 268 or Compensation pension under Rule 259. On the other hand, Government would have to see that the conditions and terms of service of the transferred officials to the Board correspond, as much as possible, to the terms in Government service.

342 The difficulties as regards Rule 259 and 268 of the M.C.S.R. have been pointed out by the Additional Law Secretary at paras 213 and 214 N.F. above. Briefly, the legal objection is that the present notice of one month is insufficient under rule 268 of the M.C.S.R. and that Government are liable to pay gratuity under the said rule. Secondly, service under the Board cannot be considered as equal to service under Govt. and therefore Rule 259 would not be satisfied by transfer of staff, and that such transfer would render Government liable for payment of compensation pension to the officials. The Law Department have not commented on the point whether compensation pension would have to be paid only in the case of those officials who refuse to enter service with the Board, or whether pension would have to be paid even in the case of those who accepted service with the Board. But from the minute of the Additional Law Secretary I get the

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impression that Government will have to pay compensation in all cases where Rule 259 is not satisfied, that is, including those cases where the officials accept service under the Board.

343) The second major difficulty would be to safeguard the interests of the transferred officials. It is true that under Section 79(c) of the Indian Electricity Supply Act the Board has got powers to frame its cadre and recruitment rules as well as Service rules. It would not be difficult to frame all these rules so as to conform to the existing Government rules. But nevertheless, there is no doubt that service under the Board would deprive the transferred officials of various constitutional rights and legislative safeguards which they enjoy under regular government service. For example, under Article 309 of the constitution the Service and Recruitment Rules would have to be framed either by the Governor or by the appropriate Legislature; under Article 311, Government servants shall not be dismissed or removed unless they have been given reasonable opportunity to show cause; on all matters relating to methods of recruitment and disciplinary matters the Public Service Commission has to be consulted under Article 320 of the Constitution etc. By entering service under a non-government agency, transferred officials automatically loose these constitutional guarantees and rights and they cannot, for instance, move the High Court in writs to safeguard such rights. In that respect, therefore, service under Board can never be termed as equal to service under Government. This further

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substantiates the view that the transfer of officials from Government to the Board would infringe Rule 259 of the M.C.S.R.

349) The legal and administrative difficulties mentioned above arise because Government intend to "transfer" the officials to the Board. If on the other hand, the idea of such transfer is given up, and the officials are retained in Government service most of the difficulties would disappear. The idea, which has already been discussed by the P.W.Secretary and the Chief Engineer (MSEB) is to treat all the officials as Government servants on deputation with the State Electricity Board. A shadow post would be created under Government service for each such transferred official, and after the official retires or dies the post would be automatically abolished. The officials whom the Board have recruited after 31-10-1957 would remain, of course, employees of the Board.

345) I hasten to add that the new line of approach is not without difficulties of its own. But since these are not insurmountable, the balance of convenience would be wholly in favour of retaining the officials as Government servants and in giving up the idea of "transfer" to the Board. Incidentally this is the method adopted by Bombay, Punjab and, according to unofficial information, by West Bengal also.

346) The main difficulties regarding the deputation of Government officials to the Board are as follows:-

(a) <u>The Pension and leave contributions</u>:

Under the foreign service rules the Borrowing authority would have to credit the pension,

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leave and provident fund contributions of the borrowed officials to Government. If the officials had been transferred to the Board, then the latter would have had to pay pension of the officials. If on the other hand, they are deemed to be on foreign service with the Board they would have to pay pension contributions. Financially therefore, this may not mean much difference to the Board. I presume they will agree to pay pension contribution instead of pension. As far as leave is concerned it is better to request the Board to undertake leave liabilities in full (including payment of disability leave allowances). The Board would also have to agree to continue the facilities like medical aid, House Building advance, which Government servants of the Electricity Department are now enjoying. This is, of course, a minor point.

(b) Personnel matters.

In my opinion the major objection to the foreign deputation proposal would be that no autonomous body worth its name would be willing to borrow its entire staff from an outside agency like Government. The Board would naturally like to have full administrative and disciplinary control over its staff. Therefore, if the Board has to agree to the present proposal some sort of compromise would have to be worked out between the Board and the Government as far as personnel matters are concerned. Regarding posting and transfers the Board would, of course, be the final authority. Difficulties would arise

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chiefly as regards promotions and disciplinary matters. As far as promotions are concerned, on the one hand, the Mysore State Electricity Board cannot be expected to consult Government for each and every promotion. On the other hand, there is the statutory obligation on the part of Government to consult Public Service Commission whenever officials are promoted from one class of service to another. It is obvious that some sort of compromise would have to be worked out. I would tentatively suggest the following broad working-arrangement:-

346(i) (a) The Mysore State Electricity Board will maintain service records of all the borrowed officials and all orders of promotions may be issued by the Mysore State Electricity Board after consulting Government and the Public Service Commission, wherever required.

(b) When promotions are made from Class IV to Class III and from Class III to Class II, the M.S.E.B. need consult only the P.S.C.

(c) Whenever promotions are made from Class II to Class I or from one post to a higher post in Class I, the M.S.E.B. shall consult and take the prior concurrence of both the P.S.C. and the Government

(d) In order to safeguard the interests of the deputed officials we may provide for an appeal to Government but only on the ground that the appellant has been overlooked in promotions.

347) It is admitted that hard and fast rules as regards promotions cannot be laid down. The conventions would have to be worked slowly.

348) As regards disciplinary matters, Rule 15 of th C.C.A. Rules lays down the procedure governing discip nary proceedings to be taken against lent officers by

Note.—Contn. Sheet

the borrowing authority. Under this rule minor penalties can be imposed upon a lent officer by the borrowing authority irrespective of ~~whether he belongs~~ the class ~~to~~ of service to which the officer belongs. Where major penalties are concerned, the borrowing authority replaces the services of the officer at the disposal of Government and the latter takes further action under Rule 11 of the C.C.A.Rules. By presumption, all final orders imposing major penalties will be issued from Government, whereas orders imposing minor penalties would be issued by the M.S.E.B. I am of opinion that this arrangement can hardly be improved upon, and may therefore be followed without any modification. In any case, under the proviso to Sub-rule (iii) of Rule 3 of the C.C.A. Rules, it is doubtful whether the operation of any of the rules in C.C.A. Rules can be withheld with respect to the officers holding pensionable posts. There is however one point which would have to be clarified, and that is about appeals under Rule 18 of the C.C.A. Rules. No specific mention has been made in Rule 18 about appeals to be filed by lent officers against an order passed by the Mysore State Electricity Board in a disciplinary case. In schedules II and III of the C.C.A. Rules as published in July 1959, class III and Class IV staff of the Electricity Board have not been mentioned, although they have been included in the original second schedule issued with the C.C.A. Rules in December 1957 and which has been amended. In any case I presume the schedules II and III would be inoperative for officials under deputation who would naturally be governed by Rule 15 of the C.C.A.Rules. Since a punishment order under Rule 15 of the C.C.A. Rules will be done with the concurrence of Government, it is not known as to who is

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the appellate authority to hear such appeals. Presumably, it is only the Governor in the case of Class I and Class II services. This point would have to be clarified.

It is the Governor the

349) Another point to be settled is regarding the full applicability of the foreign service rules mentioned in Chapter XXVI of the M.C.S.R. Under Rule 419 (A) No Government servant can be transferred to foreign service against his will and according to rule 420 Government Servants would be entitled to rever-t after giving six months notice to Government of his wish to revert. It is obvious that both these rules would have to be suspended in respect of the officials transferred to the Electricity Board. Incidentally, the Bombay Government have done so in their orders which may be seen at pages 179 and 183 C.F. I presume the suspension of Rule in the M.C.S.R. for a particular class of officials may be approved by the Governor, in the exercise of powers conferred under article 309 of the Constitution. Anyway this is a matter to be decided by Law Department in consultation with the G.A.D.

This will have to be done

I think so

350 My proposals can be summarised as follows:-

(1) All Government servants whether temporary or permanent who were under the employment of the Electricity Department immediately prior to the creation of the Mysore State Electricity Board (31-10-1957) shall continue to be Government servants

(2) All these officials will be deemed to be o foreign service with the M.S.E.B. from 31-10-1957. Shadow posts will be created in Government for each such transferred officials and after the latter retir or dies or is dismissed the post would abolish automatically. Government can revert officials whenever

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necessary, for appointment in the Electrical Inspectorate, Hydro Electric Construction Projects or any special jobs.

(3) The terms of deputation of the officials to the M.S.E.B. will be in conformity with Chapter XXVI of the M.C.S.R. All deputed officials will remain subject to general and disciplinary rules which would have applied to them if they had not been deputed. Rules 419 and 420 M.C.S.R. will be specially suspended as far as these officials are concerned.

(4) Pension contributions shall be paid by the M.S.E.B. to Government in accordance with the M.C.S.R. Government will pay pension in all cases. The Board will undertake to pay the lent officials salaries which they are now getting or salaries which may be fixed by Government in future. The Board will be free to enhance the salaries beyond the Government scales, as also to grant any special pay, or allowances as per the Rules which may be framed by the M.S.E.B. under Section 79(c) of the Indian Electricity(Supply) Act. Leave liability will be borne completely by the Board.

(5) Officials will continue to be under the administrative control of the M.S.E.B. as far as posting, transfer, etc. are concerned. Leave will be granted as per the M.C.S.R. Promotions of officials will be done as outlined in para 346(1) above.

(6) In all disciplinary matters, Rule 15 of the C.C.A. Rules will apply to the deputed officials.

351) The proposals are for consideration of Finance Department and G.A.D. After arriving at tentative decisions, in consultation with Law Department, the

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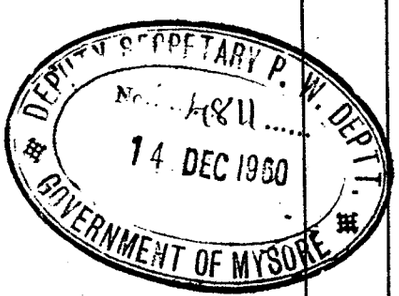
Mysore State Electricity Board can be formally consulted and asked to ~~approve~~ concur with the proposals. Thereafter a comprehensive G.O. can be drafted.

B Subbarao 14/12/1960.
Secretary to Govt.,
P.W. and Electy. Deptt.

Secretary, PWD)



~~The note on the previous~~

(352)

The note on the previous pages has been put up after a detailed discussion with me. The question of the terms and conditions of the Officers and officials of the Mysore Government Electricity Department as on the date of formation of the Electricity Board has been pending consideration for quite a long time. The matter was examined in great detail more than once. I had a discussion with the Chief Engineers of the Elecy. Department, and also some of the senior Officers of the Department. After having discussions with them I came to the conclusion that it was administratively neither desirable nor possible to transfer ~~enmasse~~ bodily the MSEB all the officials who were in service with the Government Elecl. Department as on the date of formation of the Electricity Board. There are far too many legal and financial hurdles to be crossed before such a course could be undertaken. It is also likely that if we retire the Officefs and men, quite a number of them might not accept service under the Mysore State Electricity Board.

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Our pay scales are low, and there is keen competition from other States for getting experienced men. We may therefore be certain that the majority of our experienced Officers will migrate to other States, and our Electricity Board will be left with very few men and even that of indifferent and poor quality. This is a contingency which cannot be contemplated with equanimity. The only course therefore open to us is to continue to treat all the persons in service in the Government Electrical Department on the date of formation of the Elecy. Board as Government Servants. They will continue to work in the Mysore State Electricity Board till the date of their superannuation. After they superannuate, the corresponding post in Government will be abolished. The Electricity Board will be free to regulate, in accordance with the rules to be framed, the terms and conditions of persons to be appointed by them directly after the date of formation of the Mysore State Electricity Board. This proposal is in conformity with the practice adopted by the States of Maharastra, Gujerat, Punjab and West Bengal, and may therefore be safely adopted as being in the best interests of the State, and also with a view to maintaining morale in the Services. The proposals which have been summarised in para 350 may therefore be agreed to.

Y.J.K.Rao 15/12/60

G. V. R. RAO,
Secy., P.W. & Elecl. Dept.

F.I

G.A.D.

L.D.

It would be better if the proposals are first examined administratively by the G.A.D. and As for

8736/S1
1/5/12

SECRETARIAT PUBLIC
ES 2158
15 DEC 1960

FINANCE DEPARTMENT
No.
15 DEC 1960
GOVERNMENT SECRETARIAT
GOVERNMENT OF MYSORE
21 DEC 1960
G. A. D. (SERVICES-I)

353

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any points on which the opinion of the Law Department is required P.W.D. may also refer these points to the Law Department for their opinion. After the G.A.D's and Law Department's opinion is obtained the file may be marked to the Finance Department with specific final recommendations, keeping in view the opinion of which G.A.D. and Law Department may express.

(C.Britto) 23/12/60
Under Secretary, finance dept.

B.A.D.

MYSORE GOVERNMENT SECRETARIAT No. 8289 24 DEC 1960 G.A.D. (SERVICES-I)

GAD (Services I)

354 In the circumstances explained in the notes from para 336 NF, GAD may agrees generally with the views expressed by the PWD. Secy in para 352 NF.

29-12-60

M. S. [illegible]
Under Secy., G.A.D. (Ser. I)

This may be placed before Va (S.I)

355 The proposals in paras 346(i), 348 and 349 need detailed examination. The U/s may also pl. discuss with us

U/s (S.I) 30/12/60

Placed
B. S. HANUMAN,
Deputy Secretary, G.

356. Discussed with the Under Secretary, GAD (Services-I). The suggestions in para 346 (i), 348 and 349 may have to be examined in detail, only after a decision is taken by the Government regarding the proposal to treat the

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Mysore Governm
Secretariat

employees of the Electricity Board, immediately prior to the creation of the Mysore State Electricity Board, as Government servants and to treat them as on foreign service from that date. It is stated that this proposal is in conformity with the practice adopted by the ~~State Governments of Maharashtra~~, Gujarat, Punjab and West Bengal. ~~We may, therefore, generally agree with~~ the views expressed by the Secretary, Public Works Department in para 352. The detailed proposals therein regarding the terms of foreign service, etc., may also have to be examined by the Law Department and Finance Department. C.S. may also kindly see before the file ~~is passed on to F.D.~~

Serial No.

S.G.T

CHIEF SECRETARY
No. 10
2 - JAN 1961
GOVERNMENT OF MYSORE

31/12/1960
(B.S. Hanuman)
Deputy Secretary to Govt.
G.A.D.

(C.S.) 2/1

(13278)

Finance Dept

B. S. HANUMAN, 2/1/1961
Deputy Secretary, G.A.D.

Law Department may kindly see and offer their views with reference to the detailed proposals made by the Secy P.W.D in para 357 regarding the terms of foreign service as required by G.A.D in para 356 above

357

67/ST

FINANCE DEPARTMENT
No.
3 JAN 1961
GOVERNMENT OF MYSORE

2/1/61
E. BRITTO
Under Secy. Finance Dept.

Law Dept

Secy
Registrar
Law Department.

409/25

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3/3/61

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Law Department

358 The latest proposal is to treat Government servants serving in the Electrical Department and now serving in the State Electricity Board as Government servants on deputation with the State Electricity Board. I feel that this proposal is beset with various legal complications.

359 In order to give effect to this proposal "shadow posts", it is said, would be created under the Government service for each such transferred official and after the official retires or dies the post would be automatically abolished (vide para 344). I do not know what exactly is meant by creating "shadow posts". I take it that it means that the posts would not be abolished just now and the lien of the Government servants treated to be on deputation on such posts would be retained. These posts will presumably remain unfilled. As I will discuss later, it may not be legally ~~possible~~ permissible to prevent ~~them~~ these Government servants from exercising their right to revert six months after they have given notice to Government of their wish to revert, under rule 420 of M.C.S.R. If so, I do not see how those Government servants after giving due notice to Government, can be provided for, for there would be only "shadow posts" and no actual posts to which they can be posted. Further, under rule 15(2) of C;C.A. Rules if the Board holds any disciplinary proceeding against the Government servant so lent, and decides to impose a minor punishment and the Government do not agree with the punishment proposed, the services of the Government servant shall be replaced at the disposal of the lending authority. Also, if the Board is of the

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opinion in such disciplinary proceeding that any of the major penalties should be imposed, then also the services of Government servants against whom proceedings are taken have to be replaced at the disposal of the Government. If in the circumstances the services of Government servants are to be replaced at the disposal of the Government, I do not see what posts they would be required to hold.

360

The more important legal objection would be to lend the services of Government servants who are not willing to serve the Board. Under rule 419(a) of M.C.S.R. "No Government servant may be transferred to foreign service against his will." It is suggested that this rule also has to be suspended in respect of officials transferred to the Electricity Board. The Bombay Government are said to have in fact suspended the operation of the corresponding rule in the Bombay Civil Services Rules. I feel that such suspension may not be legally valid. Rule 419(a) of M.C.S.R. provides that a Government servant cannot be transferred to foreign service against his will. ~~That~~ This is the condition of service that should regulate the service of Government servants. The service conditions actually governing the Government servant therefore, do not contemplate a change of master without the consent of the Government servant concerned. I do not see how a change could be made in the conditions of service and he be compelled to serve a different master. So also, in the case of Government servants who are governed by different rules containing provision similar to rule 419(a)

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of M.C.S.R. The Government servants in the Electricity Department are entitled to the protection under section 115 of the States Reorganisation Act. It does not, therefore, appear to be ~~possible~~ legally permissible to suspend the operation of rule 419(a) of M.C.S.R. or a corresponding provision ~~in the rules in force in the other Areas~~ applicable to the servants who were there when rule 419(a) applies.

361 Similarly, for the same reasons, it appears to me that rule 420 of M.C.S.R. and similar provisions ~~in the Civil Services Rules in force in other Areas~~ applicable to the servants who were there when rule 420 applies cannot be suspended. If so, as already observed by me, there must be provision for entertaining those Government servants who have given notice to Government of their wish to revert, but that is not the scheme, for there would be no posts which they could fill in the Electricity Department.

362) There would also be difficulty in the exercise of administrative and disciplinary control in respect of the Government servants whose services are ~~to be~~ lent. It will not be legally permissible to authorise the Electricity Board to make promotions of Government servants from one class to another, for such promotions can be made only by an officer of Government authorised to do so under the appropriate recruitment rules made under the proviso to Article 309 of the Constitution of India. Even regarding disciplinary control, there would be difficulty. The Board has no independent power to impose minor penalties and no power at all to impose major penalties. No special provision has been made in rule 18 in respect of appeals to be filed by lent officers against an order passed by the Electricity Board.

* It is said that the Bombay Govt. have suspended the operation of similar provisions in B.C.S.R. It is seen that the suspension does not operate in the case of those who were appointed prior to 5-5-52. It is not clear why such exception was made. Because of pendency the exercise may not be held to be irrevocable.

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363

Considering all the circumstances, I think that giving effect to the latest proposal, namely, that the officers be treated as Government servants on deputation with the Board, creates many legal complications. On the other hand, it appears to me to be more appropriate to take action to terminate the services of the Government servants of the Electrical Department who are not willing to go on transfer to the State Electricity Board. It may not be difficult to pursuade the Government of India for appropriate provisions being made for the retirement of such Government servants, giving them only the gratuity, pension and other benefits to which they may be entitled on the basis of their length of service under the Government. Additional benefits on account of the termination of service may not be necessary in view of the fact that they have been offered services under the Electricity Board on the same terms and conditions and without loss of previous service.

A

B.

409/LS

6T/Law II

S

(R.P. Vasudeo)
Law Secretary
13-4-1961.

F.D.)

"We may agree with the opinion of L.D." 14/4

Intd. G.M.
Fin. Secy., 25/4/61

'Attested'

(C. Britto) 27/4/61
Under Secy., Finance Dept.

K 2679/SI

FINANCE DEPARTMENT
15 APR 1961

364

S

See 2

365

Registrar-I 27/4
Law Department.

Law Dept.) This relates to B & D

29/4/61

366.

656

NCH-2

7.5.)

W. V. ARRATTI,
Under Secy., Law Dept.

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1 MAY 19

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367 This file may be sent to PWD

2679/51 CAO 1/5/51

PWD) W.D 4/5/51

W. F. ALBERT,
Under Secy., Finance Dept.

368. In view of the noting of Law Department, it now appears that the idea of deputation to the Mysore State Electricity Board will have to be given up. As regards the alternative suggested by Law Department at 'A' in para 363 above, one point needs to be clarified. The original proposal was to issue notices to the officers and officials of the former Electricity Department asking them to intimate whether they are willing to accept employment under the Board. The alternative offered to them was retrenchment. Public Works Department had presumed that if at all it became necessary to pay ~~retrenchment~~ pension/gratuity BS compensation, it would be restricted only to those personnel who refuse to accept employment under the Board. However, it would appear from the noting of Law Department at para 214 NF above that even in the case of the personnel who accept employment under the Board it would in effect amount to termination of service under the Government, not-withstanding the fact that service offered under the Board would be on the same terms and conditions as under Government and would not involve loss of previous service. The view expressed at 'B' in para 363 above indicates that ~~retrenchment~~ BS compensation/pension/gratuity need not be paid if service is transferred to the Board on the same terms and conditions as under

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Government. There appears to be some conflict of opinion and this needs to be clarified. Unless Government are sure that no ~~retrenchment~~ BB compensation is involved even in the case of those officials who agree to go under the service of the Board, it might be too risky to take further action to issue notices to the officers and officials. Law Department may therefore please see for comments.

pension / gratuity BB

BSubbarao 2/5/61

B. SUBBA RAO,
Dy. Secy, P.W. & Elec.

Law Secretary
Sri. R.R. Vasudeo

Law Department 369

I feel that para 363 needs clarification. No doubt, as stated at para 214, the provisions in Rule 259 of M.C.S.R. give the Government servant who is discharged owing to the abolition of a permanent post the options referred to in clauses (a) and (b), unless he is appointed to another equal post under Government itself. The present offer of service under the Board is not an offer of appointment in Government service. Even if so, the Government servant transferred to the Board would be entitled only to compensation pension or gratuity to which he may be entitled <u>for the service he has already rendered.</u> He cannot claim the compensation pension or gratuity on the basis of his entire service in Government as if he had

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been allowed to continue till he reached the age of superannuation, for he will be discharged due to the abolition of a permanent post. Of course, the Government would be liable to pay compensation pension or gratuity to which the Government servant discharged is entitled for the service he has already rendered. If it is considered that the amounts to be paid would be very heavy, Rule 259 might be suitably amended or a different rule inserted to provide either for reduced compensation or gratuity or even for non-payment of compensation pension or gratuity, with the consent of the Government of India. The consent of the Government of India might be necessary since the conditions of service are altered to the disadvantage of the Government servants affected. Even otherwise, the previous consent of the Government of India may be necessary since the Government servants cannot be transferred to the Board without their consent under the existing rules. Rules in this regard might be made under the proviso to Art.309 of the Constitution and sent to the Government of India for their approval.

370 A

So far as those who are willing to opt for service under the Board are concerned, there would be no difficulty, since they would be employed by the Board under the same terms and conditions as they enjoyed under Government and their service under Government would be treated as continuous with their service under the Board and they themselves would have exercised the option.

371

The question of the liability of Government under the Industrial Disputes Act may also be considered. The Undertakings under Government

in which those working under the Board now were working under Government before, have been transferred to the Board under the Electricity (Supply) Act. So, those who can be called 'workmen' under the Industrial Disputes Act cannot claim even retrenchment compensation by virtue of the provisions of cl.(b) of the proviso to section 22(FF) of the Industrial Disputes Act. Those who are not 'workmen' under that Act, cannot certainly claim retrenchment compensation.

RMasudeo

(R.P. Vasudeo)
Law Secretary
5-5-1961

P.W.D.)

SECRETARY TO GOVERNMENT
929
6 MAY 1961
LAW DEPARTMENT

372.

In the context of the view expressed at 'A' above, is it to be taken that in the case of persons transferred to the MSEB as per their option no compensatory pension/gratuity is payable by Govt? L.D may please confirm.

BSubbarao
15/5/1961

B. SUBBA RAO
Dy. Secy, P.W. & Elec.

May await Secretariat's orders
BJS
9/5

SECRETARY
ES 702
1961

BJS

Law Secretary)

Yes. What is stated above at para 372 is correct.

PWD)

RMasudeo
24/6

R. P. VASUDEO,
Secy., Law Dept.

373

1077/25
2/6/61.

SECRETARY TO G
No ES828
2 JUN 1961
PUBLIC WORKS & ELEC. D

PWD 15 SEP. 57.

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374) Paras 356 to 373 are for perusal.

The G.A.D generally agreed to the proposals contained in para 352. N.F. L.D opined that it will be appropriate to take action to terminate the services of the Govt: servants of the Elect: Deptt: Para 363 N.F. Further in para 369 to 371 L.D have clarified the position enumerated in para 363. ~~Submitted for orders.~~ In view of this the only personnel who refuse to serve the Board will be entitled to compensation pension gratuity to which he may be entitled for the service he has rendered and those who opt to Board service are not entitled to any Compensation pension/gratuity. Submitted for orders.

375) 6/6/61 Reference para (368) onwards.

6.6.61 In view of the opinion of the Law Deptt. officers/officials etc of the Electricity Deptt. who do not opt for Boards' Service have to be paid compensatory pension or gratuity as the case may be for the Service rendered by them. Their posts have to be abolished as their Services terminate from the date of orders. As regards persons who opt for the Board' Service, pension/gratuity may not be paid for them as they would

Note.—Contn. Sheet

File No. of 196 .

Mysore Government Secretariat

Serial No.

continue to enjoy the same privileges as they had in Govt Service. Govt have to issue orders placing their Services at the disposal of the Board. The KSEB may perhaps then consulted before the case may be referred to Ld.

DS) 16/6/61.

DEPUTY SECRETARY No. 8556 13 JUN 1961 GOVERNMENT OF MYSORE

(376 The noting from para 336 onwards may kindly be perused.

(377 In view of the final opinion given by the Law Department at para 373 N.F. above, it would now appear that this 3 year old case can be settled without further delay. ~~At the moment,~~ The Mysore State Electricity Board have constituted a Service Conditions Committee to frame service rules for the employees of the State Electricity Board. After the service rules have been framed and published, the State Government can issue notices to the former employees of the State Electricity Department that their services with the Government are no longer required but that the Board would be willing to offer them the same terms and conditions of service as they enjoyed under Government. In accordance with the view of Law Department, 3 months' notice can be given to these officials after which the posts in Government would stand abolished. Those who opt for service under the Board will be absorbed in Board service from the date on which the posts are abolished in Government. Others who do not

D 07273—GPB—PZS—8.00.000—1960

Serial No.

opt for Board service will suffer retrenchment.

378) As regards those who get absorbed in the Board service Government are not obliged to pay compensation pension or gratuity under Rule 259 of the M.C.S.Rs. As regards those who do not opt to go to Board service, compensation pension and gratuity will have to be paid by Government for the number of years of service put in by the Government servant. Finance Department have already agreed at para 364 above for the payment of compensation pension and gratuity. The exact amount can be decided only after the number of persons who refuse to go over to the Board service is ascertained. Secretary, P.W.D. may please peruse.

B Subbarao 19/6

Secretary, PWD)

379) The Electricity Board was conditituted in the year 1957. We are now in the year 1962 and it is nearly five years since the constitution of the Board. Until now, the question of transfer of the personnel of the former Electricity Department to the Board has not been decided. This case has been argued at very great length and several different proposals have been examined by this Department, Law Department and by F.D. The practice of other States have been examined and the Government of India has also at several stages been consulted. In the meanwhile, the status quo is presenting us very great difficulty particularly in such matters as the transfers and postings, promotions, disciplinary action, etc.

Note.—Contn. Sheet

115

File No. of 196 . Mysore Government Secretariat

Serial No.

We should therefore finally settle this case now.

On a full examination of all the suggestions made, 380
I think it is best to follow the simplest method
as follows:-

(a) To issue three months' notice to all the employees of the Board who were on service on the date of the formation of the Board informing them that their services are proposed to be transferred to the Board;

(b) In the case of those who give their willingness or who do not reply, an official order transferring their services may be issued; (1)

(c) In the case of those who express their unwillingness to join the Board, service, compensation pension and gratuity in accordance with the rules prescribed under the M.C.S.Rs for the retrenchment of posts may be paid. (2)

It is likely that the greater bulk of the employees will opt for the Board's service and therefore the payment of compensation and gratuity may be limited to a few cases. It is therefore likely to be an academic issue.

I had held up this case for some time because 381
I felt that it would not be fair to issue notices to the employees in the absence of service regulations being settled by the Board. These matters were under the consideration of the Board for the past few months.

D.D. 07979—GPB—PZS—8,00,000—1960

Mysore State Electricity Board - formation of [illegible] & transfer of personal of the Sub-Whitefield Dept.

15

sore Government Secretariat

P.W. File No. SEB of 1957

[App. F. III 2

Serial No.

A Sub Committee was appointed to go into the question of service conditions and they have now formulated broad proposals. Furthermore, there was a dispute between the Mysore State Electricity Board Employees' Union and the Board regarding a number of demands. These were also unsettled until very recently. Out of the six main demands ~~xxxxxxxxx~~ five have been settled and the file has been submitted for ~~xxx~~ confirmation by the Minister for PW and the Minister for Law Now that these developments have taken place, the employees will be in a position to make their choice and the time is opportune to issue the three months' notice.

There is no need to consult the Board any further in this matter. If approved, the notices will be issued straightaway.

28/2

P. J. FERNANDES,
Secy., P.W. & Elecy.

C. S.

M(P.W. & E.)

1/3

C. M.

R. J. REBELLO,
Chief Secretary.

1607

4/3

6325 384/para 382 approved.

V. Balu
Minister for P.W. & Electricity.
19/3

385) 15/4

Note Contin Sheet

THE MINISTER FOR PUBLIC WORKS & ELECTRICITY

24 MAR 1962

388

for Paul

Attention on (H) has to be taken immediately

19/3 S(F) PW & E

117)

File No. PWD 15 SEB.57. of 196 .

Mysore Government Secretariat

Serial No.

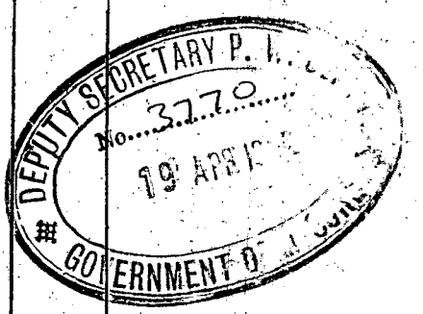
387) A draft notice is put up for approval.

Rs 18/4/62.

388) For perusal before issue

Rs 18/4/62

Ds) 19/4



389) Appd

NB
19/4/62

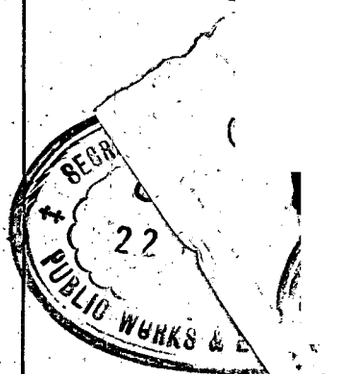
US(E) PW&E

340) Issue

NB 20/4 and revised

341) The draft notice duly scrutinised by the Law Deptt is for approval. It is ascertained from the Board office that 20,000 Copies of the notice will be required for being served on the employees. If approved a notification authorising the US(S), US(E), DS(E&S) & DS(S) and DS(C&B) to sign the notices will be issued.

Rs 16/5/62. 342) 'A' may be approved in consultation with the concerned DS. Each officer will have to sign 4000 copies of the printed notice. After this is approved the notice will be sent to the Press noting down the names of officers authorised to sign.



Rs 16.5.62

Secy) NB 24/5/62

WD 010154—GPB—PZS—8,00,000—1-10-61

Serial No.

343) Please issue a notification authorising the US(S), US(E), DS (I), DS (C&B) and the DS PW&E as the officers competent to issue the notices for and on behalf of the Secy PW&E. Each of the five officers will sign 4000 notices

ES 349

VK Prabhakara 23/5/62

US(E) PW&E

25/5

344) A draft O.M. authorising the five officers referred to in para 343 supra, ~~along~~ and a draft letter to Director, Printing, Stationery and Publications are put up for approval.

25/5/62 (S/Sekhar)

25/5

345) Issue

25/5

346) Proof approved and returned from Press on 1-6-62

1/6

Issued

Dated 1-6-62

Note.—Contn. Sheet

119

PWD 15 SEN 57

File No. of 196 .

Mysore Government Secretariat

	Serial No.
Proofs of the "Notice" and the "Form of option" has been received for approval. These proofs have been corrected.	347
It is observed that in the "Notice" the heading "Govt of Mysore" and "Mysore Govt., Secretariat, Public Works and Electricity Department, Vidhana Soudha, Dated, Bangalore, ... 1962" has not been included.	348
It is for orders if these may now be included.	349
It is also for orders if the names of the five officers be got printed separately in each set of 4,000 Copies and the press instructed accordingly.	350
yes put up draft. 15/6	351
16/6	
Draft put up for approval.	352
16/6 16/6	
Issue 18/6	353

Issued
19-6-62
Dated.....

WD-010154—GPB—PZS—8,00,000—1-10-61

PWD 15 SEB 57

Mysore Government Secretariat

File No. of 196 .

[App. F. III 2

Serial No.

354) A draft Reminder to the Director of P.S.W. is put up for appl.

2?

355)

SWS "A" 30/6/62.

Dated 29-6-62

Submitted

356) The fair proof of opinion forms in regard to the candidates of semi under MSEB at page 212 C. have been received. But the proof of form at page 214 C. placed below at flag 'A' is under correction which may be approved as corrected on receipt of the fair proof in question & necessary action will be taken.

11/7

357) In the form of the notice approved and sent for print, the "From" address has not at all been indicated. This is very necessary & will be got printed while submitting the proof to the Press.

SWS 11/7

358) Yes, put up after opinion.

11/7

Note.—Contn. Sheet

Issued 11.7.62

Serial No.

359) An official from the Govt press had come and wanted to know the names of officers of the PWD who have been authorised to sign the notices. It seems they have not received any communication to set in type the name of the officer to sign the notices.

360) A copy of O.M. dated 1-6-62 (at page 203/C.F.) may be sent to the Director of printing and he requested to insert the name of the officers as has been indicated in the O.M. after which 4000 copies

361) Draft of a letter is perhaps for approval

362) Issue

13/7/62

13/7

13/7

Issued
Dated 13.7.62

Receipt No. 6065 dt: 21-7-62 from the Govt. press, Bangalore.

363) For perusal.

The Director, Govt. press has sent 20,000 printed copies of notices as per govt. letter dt. 19-6-62 at page 217 C/F.

) As per O.M No. PWD 15 SEB 57 dt: 1-6-62, the following officers of the P.W.D have been authorised to sign the printed copies of notices. (P.222 C/F)

WD-010154—GPB—PZS—8,00,000—1-10-61

1) Sri. Mohmed Faizuddin, U.S (2) Sri S. Murighendrasamy, U.S.

Serial No.

(3) Sri. N.K. Prabhakara Rao. D.S. (4) Sri. K.B. Murarappa D.S and (5) K.V. Rajarathnam. D.S. and the printed copies of notices intended for them (4,000 each) will be sent to them for Signature.

As regards copies of notices printed under the name Sri. Mohmed Fasihuddin, U.S. (4000). it is submitted that he is on leave preparatory to retirement and some alternate arrangement will have to be made for signing those copies.

366) It is therefore for orders whether a letter requesting him may be addressed to Sri. Mohmed Fasihuddin, to make it convenient to sign those copies (4000) or the printed copies of notices intended for him may be sent to the Director, Govt. Press with a request to cancel the name of Sri. Mohmed Fasihuddin and to insert that of the present under Secretary (Sri. R.A. Ramaswamy) in his place.

367 A draft (p. 225 of F.) forwarding 4000 copies of notices to the Officers mentioned at Sl. Nos. 2 to 5 above is also put up for approval.

24/8/62

24/8

368 The Copies to be Signed by Sri Fasihuddin will be Signed by me. The name Can be Typed by Stamping.

Draft

369 25/8/62 Issued 27/8/62

Note.—Contn. Sheet

123

PWD 61 SEN 62

File No. PWD 15 SEB 57 of 196 .

Mysore Government Secretariat

As per D.O letter dt. 29-9-62, 2000 (P. 229 Cf.) copies of notices duly signed by the D.S(S) have already been sent to the Secretary, M.S.E.B for needful. Now 8,000 copies of notices, duly signed on minute: K.B. Muniappa and K.V. Rajarathanam. D.S. to Govt. (4000 each), have been received in the section. They may be sent to the Secretary M.S.E.B. for necessary action. Serial No. (370

A draft covering letter is put up for approval (P. 231 Cf.) (371

31/X/62.

(372

1/11/62

Issued

Dated 5/11/62

Since this file is no longer required by the Electrical Section, this may be referred to PWD. Service section as the same has been distonked from their file no. PWD. 10 SEB 61.

(373

Distinction from file no. PWD 10 SEB 61 & returned to EE(E) Cancel file no. PWD 61 SEN 62 on 24/11/62 25/11/62

24/11/62

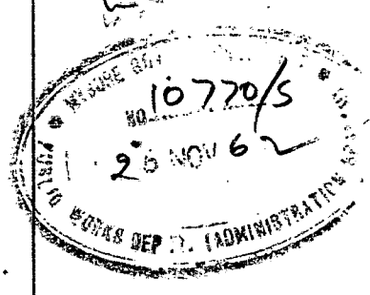
Service Section 24-11-62.

24/11

Supdt Service Sect.

A note is put up for giving approval to the draft letter

24/11



WD-010154—GPB—PZS—8,00,000—1-10-61

PWD 61 SEW 62

PWD (Secs)

12/

L 9

(1)

Why, does Copies have been sent
Remaining date are
yet to be signed.

374) The Dy Secy (PWD) Secs) and the under Secy (Spl PWD (Secs) + the Supdg Engr PWD (Electrical) have not sent the copies of notices duly signed for issuing formal sanction by the Govt. M.S.E.Bd. They may be duly asked to send the copies duly signed at an early date.

9/1/62

13/12/62 P.A to S(Secs)

One 1000 Copies have already been forwarded to M.S.E.B. It is being attended. 13/12/62

U/S (PWD-Secs) Mine are not duly signed 13/12

U/S (Elec.) —

375) The Copies intended to be signed by the US (Electrical) have been pooled in the name of Sri Jafruddin who has retired. Since there are notices it is apprehended that shifting & inserting in the pooled notices may lead to objection being raised. The 16,000 notices which are distributed to other offices are therefore expected to suffice. If additional notices are necessary, they have again to be printed inserting the name of the present US (Elect)

16/1/62

Sri Chennappa 17/1/62

17/1

US (Services) 376) For perusal. A draft letter to the Secy M.S.E.Bd. is submitted for approval.

16/1/62 377) 19/12/62 20/12/62

PWD 61 REG 62

PWD 15 SEB 57.

Reduced

378) This may kindly be noted by D/S (Service) for his kind perusal and reference.
Yours
The Electricity Boards have requested
and
for 2500 copies of notices to be
served on the employees of the various divisions.

A || 2,000 Copies are sent to the Depot by D/S.
The Copies wanted to be signed by
the Executive Engr. Etc. Bo are sent up
for the reason that they have been
printed in the name of Ex. Engr. So.
Jamadagni & that these Copies can be
made use of by the present under Secretary
by striking the name of Sri. Jamadagni
in the prior for Consideration when
a doubt has arisen and felt that the
may lead to objections being raised

378/5. || It is for Consideration whether the Copies
B || with the name of present under Secretary
may be got printed or the available
Copies of notices with the name of Sri.
Jamadagni may be signed after affixing
the facsimile of the present under
Secretary. The matter may kindly be given
Consideration by Law Dept.

This may be noted by D/S. (Service) for
orders.

1/2/63 (380/378) A & B for Consideration

1/2/63

SECRETARY P. W. DEPTT.
GOVERNMENT OF MYSORE
2 FEB 1963
1189

Serial No.

384 The Under Secretary(Elecl.) will kindly score of the name of Shri Fasiyuddin on the various notice forms. The name of the present Under Secretary will be written in longhand and the notices signed for issue. I hope that 2,500 notices will be signed and issued.

N.K.Prabhakara 11/2

(N.K.Prabhakara Rao)
Deputy Secretary to Government,
P.W. & E.Dept(Services)

US(E)PWD 2-

11/2/63

D.O Letter No. 2664 dt. 13-2-63 from the Dy. C.E; Electricity, Bangalore.

Received on 11.2.63.

382 For perusal.

383 The Dy. C.E; electricity, MSEB has requested to send 2000 to 3000 ~~~ signed copies of notices for being served on the stabb. At present 770 copies of the notices have been signed by the U.S and they may be sent to the CE; MSEB for necessary action.

Draft letter is put up for approval.

384

385 Sd/- 25/2/63

Sus 28/2/63
PWD 3105/E/63.

Dated 27-2-63

D.O. letter No. 2811 dt 13.3.63 from the Dy: C.E, Elec: (Genl:) B'lore addressed to the S.E(E) by name.

386 The P.C.O at page 259 CF is for perusal with reference to our letter on page 255 CF. A* draft is submitted for approval.

*: Page 259 CF

Note.—Contn. Sheet

Sus 29/3/63. SEB 21/3/63. 21/3/63

387 Sd/- 28/3/63

28.3.63

127

61 SEN 07

File No. PWD 15 SEB 57 of 1963.

Mysore Government Secretariat

Serial No.

3984/63.

Letter p.262 Cf. No 1678 dt. 9-4-63 from the C.E (Electricity) General, Bangalore.

For perusal.

The C.E (Electricity) General requests for supply of another 1500 copies of notices for service on the employees of the various divisions. They will be placed on the table of the U/S (E) for being signed and sent to the MSEB. (388

AD 16/4/63.

A 17/4/63

I have signed them & sent to Secln on 18.4.63 (389

MR 19/4/63.

p.263

A draft letter forwarding another 1500 signed copies of the notices to the C.E, Electricity (General) MSEB, is put up for approval. (390

AD 20/4/63.

A 22/4/63.

MR 22/4/63 (391

Issued

Dated 24-4-63

PWD 15 SEBS 7 PWD 61 SRN 62

Mysore State Electricity Board - Transfer of personnel & the erstwhile Govt. Electrical Department. ----

392) The C.E, Electricity, (General) MSEB had requested for forwardal of another 1500 signed copies notices in his letter dt. 9-4-63 p.262 cf. and the same together with an equal number of option forms have been forwarded to him with C.L of even no. dt. 24-4-63 p.264 cf. Now, with the supply of the above mentioned 1500 copies of notices, the entire requirement of the MSEB with regard to supply of copies of notices is met and there are no more spare copies of the notices in the section. The file may now be marked to services section for taking further needful action in the matter.

26/4/63.

26/4/63

393) 27/4/63

Services Section)

Letter no MSEB A1-607/63-64 dt. 22-4-63 from the Secy. MSEB to the Govt. forwarding the representations in regard to the notices issued to the employees of the Board --

394) To perused. Please see the representations of the Officials of the MSEB received from the Secy. MSEB in response to the notices issued to them.

Kindly see in case of the representations have to be considered individually it is noted that the services of one Asst. and Junior Asst. will be

PWD 61 STNOR

PWD 15-SEP57

Paul - essential to discuss the
organisations.

It is in order whether one of the
Asst Secs (P&S) may be detailed
in this area or may be transferred
to the Electrical Section in readiness
attending to this file as one of the Asst
Sec in that Section is dealing with matters
of P&S & except service matters.

395 30 Sept 1/5/63. In order to push
this long pending issue
pertaining to nearly about
40,000 employees, normal
staff of the Service Section
which is already having
heavy work, would not suffice
Additional staff will be
necessary. At least one
Asst Sec, one Junior Asst Sec
will be necessary since
the leave reserves will be posted
in the other sections of the
PWD during busy Vacancies of
their services can not
be Asst Secs, with certainty
be published.
395. Hence, it is requested that
additional staff in the Asst Sec. are

Serial No.

Mysore State Electricity Board - formation of transfer of personnel of the Erstwhile Electric ~~xxxxxx~~ Dept.,

398) 1/1/63

398 All the representations of the Employees of the Board are stereo typed and common in prayer. They have requested to be made aware of the terms and conditions of service in the Boards.

399 Reference is invited to the meetings by the P.W.D at paras 379 to 382. At para ~~&~~ 381, it is stated that setting of Service conditions of the Employees of the Board along with the other demands of the Employees, is under the consideration of the Board.

~~400~~ 400 In the circumstances, the Board may be enquired to state if the Service Conditions of the Board Service have ~~xx~~ since been finalised, if so to send a copy of the same to Government.

401 The Secretary, M.S.E.B., may also be requested to furnish the names of the employees, who have opted to Board Service and who have refused to opt to Board Service and who have not responded at all and who have sought clarification. Separate lists regarding Cadre Category will be called for.

7/6/63

SECRETARY P. W. DEPT.
No. T.2.4.
10 JUN 1963
GOVERNMENT OF MYSORE

(402) The suggestions at para 400 and 401 are approved. Please address the Secretary, MSEB through a D.O. letter under my signature.

(403) 11/6

Contn. Sheet

12/6

Y/C. Services)

131

File No. pwd 261 SEW 62 of 196
pwd 315 SEA 57.

Mysore Government Secretariat

Serial No.

403) Hubli with a DO. letter has been received on the resignation of DS (Service) for approval.

15/6/63.

16/6.

404) Returned for approval

24/6

DS

403) Appd

24/6

(HC(5))

Typing pool

Issued on 28.6.63.

DEPUTY SECRETARY P. W. D.
No. 8018
25 JUN 1963
GOVERNMENT OF MYSORE

Typing pool for 2 typed copies
25/6/63

16/6

Typed copies issued
25/6/63

Letter no MSA/A1-607/63-64 Dt 15.7.1963 from the Secretary MSEB on the matter —

406) For record. It is stated that the above Service Rules are still pending in the Finance Dept & that a copy of the proposals under it will be sent when they are finalised.

407) In this connection he has addressed reference to his letter no. A1. 384/63-64 Dt 13.5.1963. It has been requested that the above reference has been quoting

Page 270 of CDM

Mysore Government Secretariat

File No. PWD 61 SEV 62 of 196 PWD 15 SEV 63 [App. F. III 2

L.F. No. 81EEB63

Serial No.

408) ~~To the Head Section by the Central Registry~~ on 16.5.1963.

The Head Section (now S.Sp.) may be requested to note this stage of the file, and if the file is available, a copy of the same may be made available for reference.

28/7 S.Sp) 29/7

T V 29/7

PWD 24/7/63

409) The file bearing no. PWD. 81 EEB 63 leading to the reference quoted at para 407 ante is put up herewith. This file may now be ~~referred~~ forwarded to Service Section with a request to return the same.

30/7/1963. 7.8.63

MYSORE GOVT SECRETARIAT No 2532 30 JUL 1963 CHARAVATHY VALLEY PROJECT

Linked file No. 81EEB63

410) (E) 13/8/63

Service Section

411) The file of S.Sp Section (PWD 81 EEB 63) wherein the question of drafting the Service Rules of the Board for Cauvery Canal Scheme may be seen. The Sy. M.S.E.Sa has sent an endorsement stating that the question of drafting the Service Rules is under reference in the Finance Dept.

412) Thereupon, the file of the S.Sp Section with the reference to the Section aforementioned. The Sy M.S.E.Sa has the reminder on 20th of this month in regard to his receipt by the Fin. Dept. letter 14/8/63

A 13 yes 17/8

PWD/14/8

Note.—Contn. Sheet

413

File No. ~~PWD 61 SEB 2~~ (15 SEB 5) of 196

Mysore Government Secretariat

Serial No.

May be sent to S.V.P Section for retaining their file no. PWD 81 EEB 63 & return the other files.

Supdt S.V.I Secn

5/9

Sd/- 6/9

414

415

The file No. PWD 81 EEB 63 pertaining to this section has been retained and this may be returned to PWD-services section

9/9. Supdt(S)

9.9.63

416

Draft reminder as per 'B' para 412 is put up for approval.

10/9

Sd/- 11/9

417

418

Reminder 18-9-63

Dis-linked from file No. GAD 91 DIS 59. This may be returned to PWD (Services) 'C' section for further action.

20/11/63

S. MURIGHENDRASWAMY
Under Secy., PWD., (Services).

Sd/- 21/11/63

419

No 275/8/A

MYSORE GOVERNMENT SECRETARIAT
No. 2681/SE
22 NOV 1963
SECRETARIAL BRANCH

As this file has become bulky it may be got stitched into convenient bundles. References received in this behalf will be given fresh file headings and taken up. For orders.

420.

Branch

Sd/- 20/12/63

(421) If such is the case this file can be closed. The new file must be continued in a separate volume

Sd/- 26/12/63

WD-0101/54—GPB—PZS—8,00,000—1-10-61

Transfer of personnel of Mysa Electrical Dept to MSEB

Mysore Government Secretariat

File No. 155 E 65 of 196 .

[App. F. III 2

134

Serial No.

422) Reply is still due from the Secy M.S.EB
Reminder is put up for Consideration

8/1/64

8/1/64

423) Done

9/1/64

File
WD 39 P Dec 63
placed below

Issued 13/1/64

13.2.64

424) Draft Reminder put up for Consideration.

13/2

425) Done

14/2/64

Issued
14/2/64

R. 14/5/64

426) Draft DO Rem^r from D.S put up for Consideration.

19/3/64

427) Done

20/3/64

Issued
23/3/64

R. 24/4/64

DNo 1323 — Page 275-C/R

428) The Secy MSEB has promised to send a copy of draft rules after finalisation by the Sub committee constituted for the purpose. The receipt of the same may be awaited.

4/4/64

429) Tuesday

4/4/64

430) 14/4/64

R. 14/5/64

Note—Contn. Sheet

135 Transfer of powers of Secy to MSEB

Mysore Government Secretariat

File No. PWD 15 SLI-BST of 196

D. No 1741 SC 64 —— Page 276 c/f

	Serial No.
The Secy MSEB has forwarded 1) List of Govt servants who have refused to opt to Board Service (Flag A) and (2) List of Govt servants who have given representations in respect of Govt Work (Flag B). The names of officials who have not responded to the notices will be furnished by the Secy MSEB. in due Course.	431
He has also stated that a copy of the draft Rules will be sent after the same is finalised by the Sub-Committee Constituted for the purpose.	432
Re: for PWD 12 & 9 SCS reference to by the Secy, MSEB, it relates to the petition of MSEB Employees' union requesting to instruct the Board to frame Rules. (Vide for PWD 12 & 9 SCS Letter herewith)	433
The Board has already taken action to frame the Rules.	434
The receipt of Draft Rules (finalised by the Board may be awaited	435

File PWD 12 & 9 SCS linked thereto

3rd - Secy

3/4/64

1/5/64

WD-010154—GPB—PZS—8,00,000—1-10-61

Serial No. 436

The Secy, MSEB refers to a notification No PWD 15 SEB 57 dt 24.12.62. There does not appear such a notification is issued on this file. It may be checked up and if it is not on this file a copy of the notification may be called for from the Secy MSEB

NM 8/5/64

437) Note dated 24.12.62 is not in the file. Draft letter to Secy MSEB calling for a copy of the Notn put up for consideration.

Dr 11/5/64

for 12/5/64

Issued 12/5/64

438) Issue

NM 18/5/64

Draft R 18.4.64

439) Draft Remr put up for consideration

Dr 18/6/64

440) Issue

Issued NB 24/6/64

Dr 22/6/64

Draft Dr 22/6/64

441) Draft DO Remr put up for sign.

Dr 23/7/64

Draft D 25/8/64

442) Issue

Dr 3/8/64

Issued

Dated 3/8/64

137 Transfer of personnel to MSEA

File No. PWD 15 EE 65 of 196

Mysore Government Secretariat

Serial No. 243

-ts ordered in file PWD 53 SEN 63 dropt
Do letter to Sec'y MSEA put up for
appl q → S (CS)

24/8/64
25/8/64

25/8/64

D. S (CS)

ISSUED
Dated....27.8.64

Distributed in PWD 63 SEN 63

Issue

SECRETARY P. W. D.
No. 4503
25 AUG 1964
GOVERNMENT OF MYSORE

Draft Do Reminder put up for appl. (245

28/9/64.

Issued
on 30.9.64

R 28/9/64

This file was obtained for reference since it is not required may be returned to Electrical Section

28/9/67. Elec. Sec'n) 28/9

Section Office
PWD (S-S)....M.G.S.

Smt. S.
7/X

WD. 010154—GPB—PZS—8,00,000—1-10-01

Mysore Government Secretariat

File No. PWD 155 EBS7 of 196 .

[App. F. III 2

	Serial No.	
——		necessary action has been taken in the connected file PWD 130 EEB67 and now no action is called for. Submitted for perusal before being closed as Class 'B'. # 16-5-68
disjointed from the file PWD 130 EEB67		

Note.—Contn. Sheet